

**Doc No: I0510709A**

**Issue: 19**

**02/02/2005**

01/31/2005 11:07:36

Name = Mike Pettis

Address = 1097 Atagahi Trail

City = Macon

State = Georgia

Zip = 31220

Email = mpettis70@cox.net

Telephone = 478-808-5672

Name of Victim = Hunter Pettis

Victim's Address = 1097 Atagahi Trail

Victim's City = Macon

Victim's State = Georgia

Victim's Zip = 31220

Victim's Telephone =

Incident Description: My son received a Panterra Motors 90cc 4wheeler for Christmas. He had put no more than 2 hours of riding time on the machine, when on 1-25-05 the machine caught fire and burned down to the frame. The incident as described by my son is as follows.

He was riding the 4 wheeler for approxiamtely 5 minutes, when he noticed that his left leg was getting hot. He looked down to find flames coming out of the side of the machine. Luckily he jumped off, and called for help. His Grandparent was just around the corner.

When his grandparent arrived about 2 minutes later the machine was totally engulfed in flames. The only injury to my son was psychological and a slightly charred shoe and shoestring. My sons comments after the fire sums it up . "Daddy I dont want another 4-

wheeler, I dont want to die". Another interesting note : After reviewing Panterramotors.com I found a link to the 90cc ATV. It had a list of

frequently asked questions, one of which was ( Why does it leak Gas) the answer: Check hoses!

Victim's age at time of incident = 8

Victim's sex = Male

Date of incident = 1-25-05

Product involved = Panterra Motors 90cc 4stroke ATV

Product brand name/manufacture = Panterra Motors

Place where manufactured (City and State or Country) = unknown

Product involved still available = Yes

Product model and serial number, manufacture date = 90cc 4 stroke ATV (red)

Date product purchased = 11-30-04

Name Release = Release name to the manufacturer and public

I0510709A

If you have any changes, additions, or comments you wish to make concerning your attached report, please make them in the space below.

I confirm that the information in the attached report (including any changes, additions, or comments I have made) is accurate to the best of my knowledge and belief.

Nila Petter  
Signature

2-7-05  
Date

☐

I request that you do not release my name.

☐

You may release my name to the manufacturer but I request that you not release it to the general public.

☒

You may release my name to the manufacturer and to the public.



070831

1. Task Number 040503CCC1644		2. Investigator's ID 9052		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 810	4. Date of Accident YR MO DAY 2004 04 28	5. Date Initiated YR MO DAY 2004 05 11		
6. Synopsis of Accident or Complaint UPC When the 4-year-old victim started up his four wheel ATV, flames came out from the side of the ATV. His father extinguished the flames with water. No one was injured.				
<div>EXCISES/FOIA EXT. 25c DO NOT RE-NOTIFY RE-NOTIFY 8-1-05</div>				
7. Location (Home, School, etc) 1 - HOME		8. City SPRING HILL		9. State FL
10A. First Product 3286 - All Terrain Vehicles (four W		10B. Trade/Brand Name KAZUMA		10C. Model Number GTX7A-BS
10D. Manufacturer Name and Address KAZUMA 5600 Bonhomme Road Houston, TX 77036				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 4		13. Sex 1 - Male		14. Disposition 0 - No Injury
15. Injury Diagnosis 70 - No Injury		16. Body Part(s) Involved 99 - NO INJURY		17. Respondent 1 - Victim/Complainant
18. Type of Investigation 1 - On-Site		19. Time Spent (Operational / Travel) 25 / 6		20. Attachment(s) 9 - Multiple Attachments
21. Case Source 07 - Consumer Complaint		22. Sample Collection Number		
23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal				
24. Review Date 06/23/2004		25. Reviewed By 8189		26. Regional Office Director Gerard J. Naylis
27. Distribution Gabriel, Susan S.; Dobbins, Allen C.; Lansing, Joseph W.; Stern, Richard L.				28. Source Document Number I0440513A

Information contained in this report was obtained during an onsite visit at the complainant's home. The complainant's mother was home at the time and allowed this investigator to photograph the all terrain vehicle (ATV) involved in this incident (See Exhibit 1). Information was also obtained from several telephone calls with the complainant.

The victim in this incident is a four and ½ year old male, who weighs approximately forty pounds and is 43 inches tall. According to the complainant, the victim's mother, the victim has no physical or mental disabilities.

The complainant purchased a new ATV for the victim in December 2003 from a seller on the E-Bay website. She related that the seller was called Cross Creek Cycles from Michigan. The ATV arrived intact and did not require any assembly. The complainant's husband checked it out and prepared it for the victim to ride after he received it as a present in late December 2003.

The complainant's husband taught the victim how to ride the ATV. Even though the victim was only four year olds, he was able to ride the ATV without any problems. He always rode the ATV in the backyard of their home and was always supervised by an adult when he was on the ATV.

The complainant stated that the ATV was never repaired, altered or changed in anyway. The ATV was stored in the garage when it was not being used. The complainant also related that they never had any problems with the ATV until this incident occurred.

On April 28, 2004, the victim was preparing to ride the ATV. His father pushed it out of the garage for the victim to ride it in their backyard.

When the victim was starting the ATV, something sparked and small flames began emitting out of the side of the ATV. He ran away from the ATV and his father ran to a small swimming pool in the yard. He threw the water from the swimming pool on the ATV to extinguish the flames. Then, he used a hose to douse the rest of the flames on the ATV.

No one was injured. The ATV had burned marks and damage done to the right side of the ATV (See Exhibit 1). The complainant stated that since the incident, no one has started the ATV. It has been kept in the garage. The complainant had no explanation as to why a fire started when the victim was starting the ATV.

The complainant telephoned the toll free 800 number for **Kazuma** that she found on the **Kazuma** website. She talked to someone named "Jason" who told her she should contact the **Kazuma** dealership directly where she purchased the ATV.

The complainant telephoned the **Kazuma** dealership, called Cross Creek Cycles in Michigan where she purchased the ATV. The representative of the dealership related that they could send replacement parts on the ATV that were damaged but the complainant would have to install the new replacement parts. The complainant told the representative that this is not acceptable and that she did not want the victim riding the ATV again until the reasons why the flames came out from the side of the ATV were found. She was told to contact the **Kazuma** company headquarters in Houston, TX.

The complainant and her husband contacted a representative from the Houston, TX **Kazuma** headquarters office. They were also told that the company could send them the replacement parts for them to install and replace on the ATV. The complainant related that she and her husband did not even know what parts to request and had no knowledge of how to install and/or replace when the parts did arrive.

The complainant contacted "Jason" again on the **Kazuma** toll free 800 number and explained that she was not receiving any satisfactory solution to the problem with the ATV. He suggested that she e-mail the manufacturer in China (See Exhibit 2).

The complainant e-mailed the manufacturer in China who replied that she should resolve this issue with a dealership in the United States. The complainant telephoned "Jason" again on the **Kazuma** toll free 800 number. Jason agreed to have the dealership examine the ATV and try to determine what caused the fire on the ATV. He requested that the complainant have the ATV shipped to the **Kazuma** headquarters in Houston, TX. The complainant stated that it was unknown whether the ATV will be replaced with a new ATV or if the company will just repair the original ATV. She has not yet shipped the ATV to the **Kazuma** headquarters but plans to do so as soon as possible.

#### PRODUCT IDENTIFICATION:

The complainant described the ATV as a **Kazuma** 50CC ATV. It is green and black in color. On the back of the ATV, it reads in part "\*\*\*\*GTX7A-BS/\*\*\*\*/ Made in China" (See Exhibit 1, Photo 11).

It has an electric start key and goes no faster than 20 miles per hour. "KAZUMA" is printed on the handlebar in the front (See Exhibit 1, Photo 5). There is a sticker on the side of the ATV that reads in part "WARNING/ \*\*\*/ NEVER operate this ATV/ if you are under age 6" (See Exhibit 1, Photos 8 & 9). There is another sticker on the ATV that reads "Attention!/ 1. Before starting, check the/ engine oil level./ 2. During the running- in, / change the engine oil once/ per 300km meanwhile clean/ the strainer and the speed is/ not allowed to exceed 50km/h." (See Exhibit 1, Photo 10).

#### SAMPLE:

None collected.

**040503CCC1644**

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**EXHIBITS:**

- Exhibit 1 - Photos 1 – 12
- Exhibit 2 – Copy of complainant's e-mail to manufacturer in China
- Exhibit 3 – Copy of ATV on sale on Ebay website
- Exhibit 4 – Authorization for Release of Name
- Exhibit 5 – Identification of Contacts

040503CCC1644

**Exhibit 1**

**Photo 1 – View of the side of the ATV where the majority of the burning occurred**





040503CCC1644

Exhibit 1

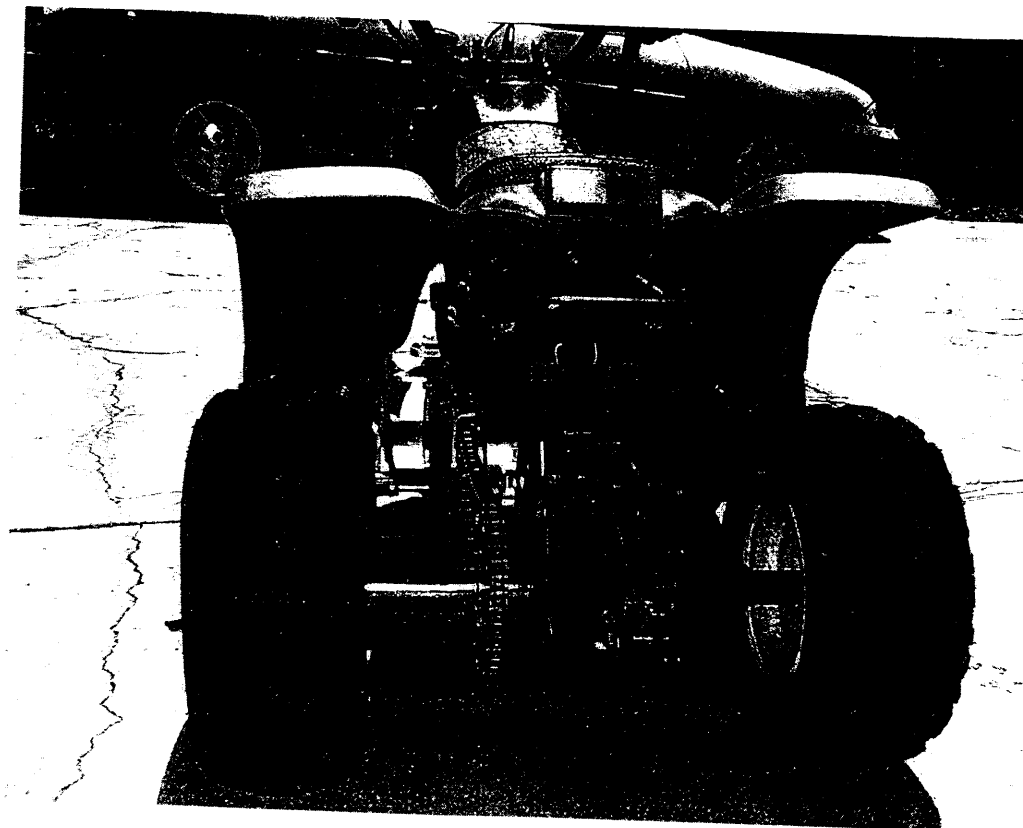
Photo 2 – Another view of the ATV



040503CCC1644

Exhibit 1

Photo 3 – View of the back of the ATV



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Exhibit 1

Photo 4 – View of the front of the ATV



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Exhibit 1

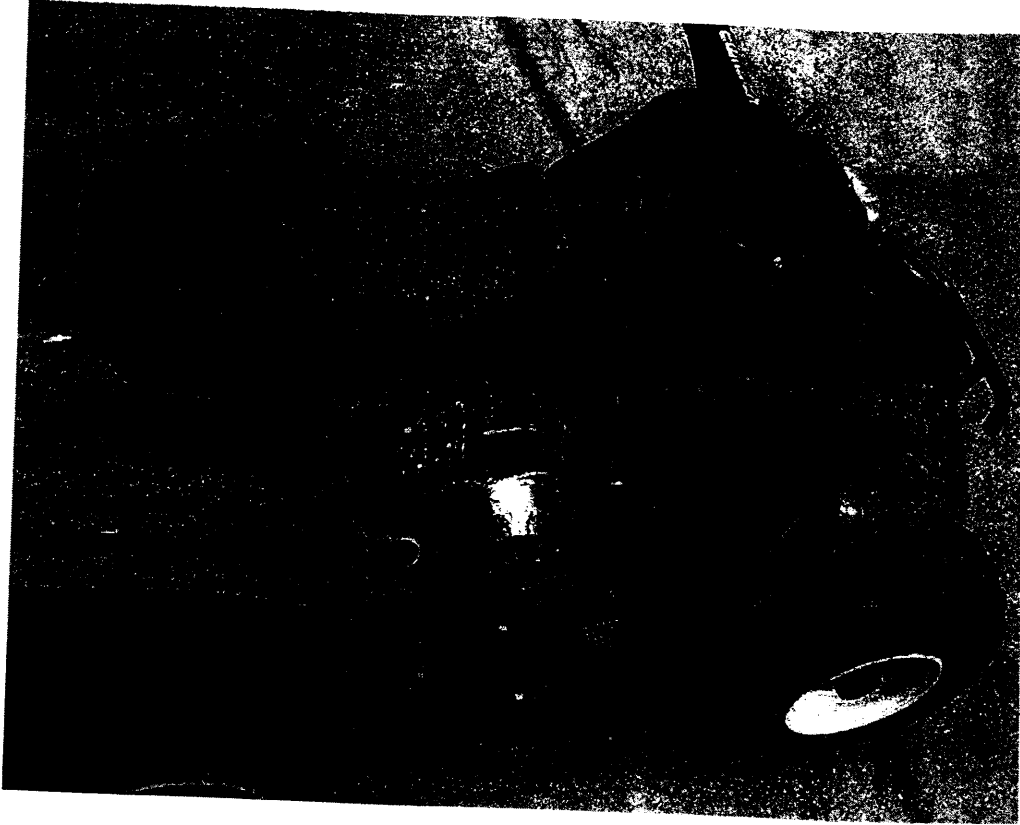
Photo 5 – Closer view of the front handlebar where it reads “KAZUMA”



040503CCC1644

Exhibit 1

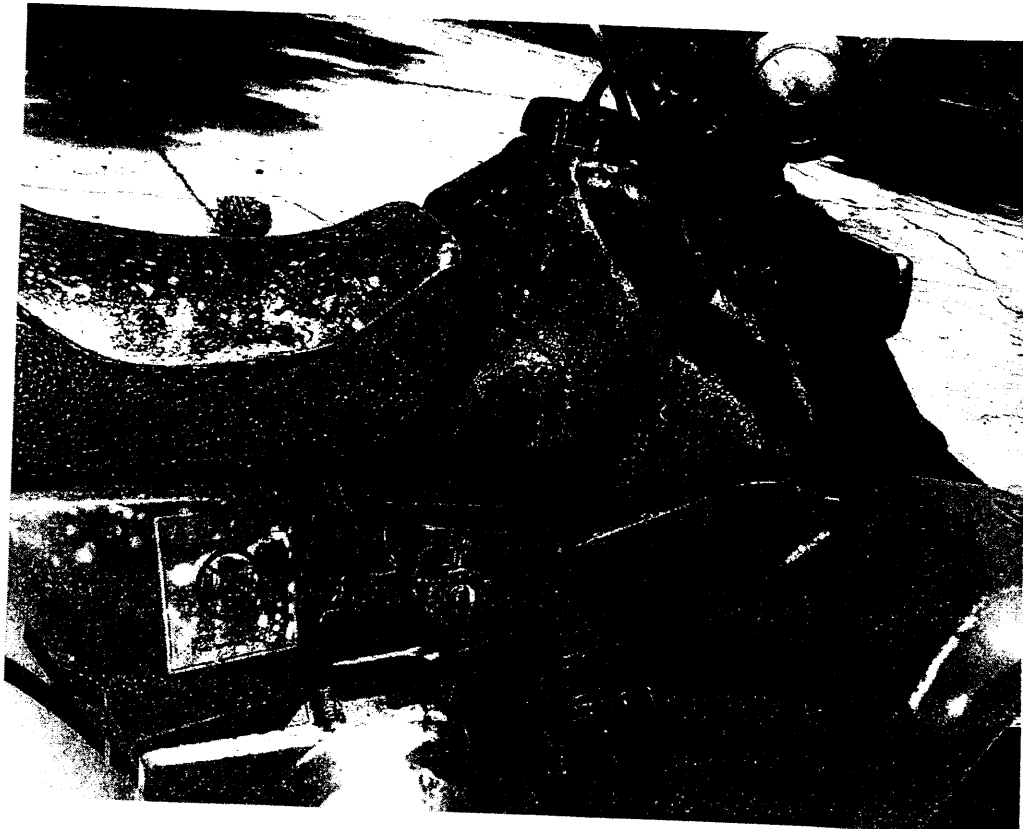
Photo 6 – View of the ATV where it was burned



040503CCC1644

**Exhibit 1**

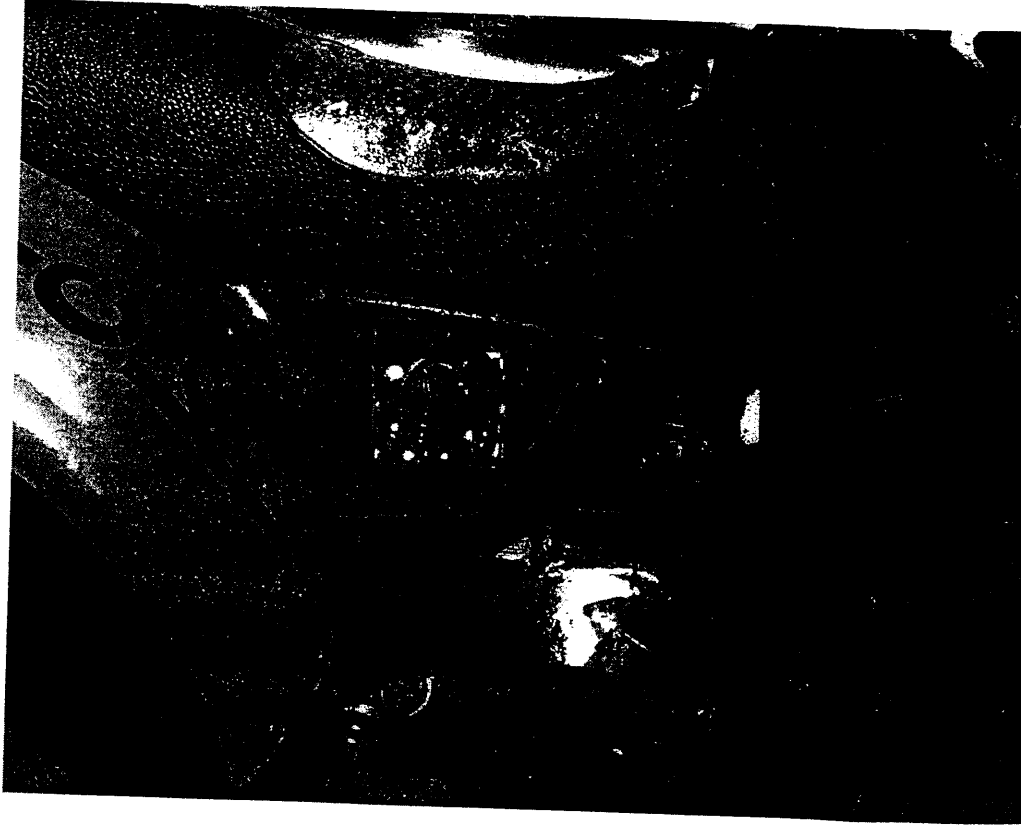
**Photo 7 – Closer view of the side of the ATV where it burned**



040503CCC1644

**Exhibit 1**

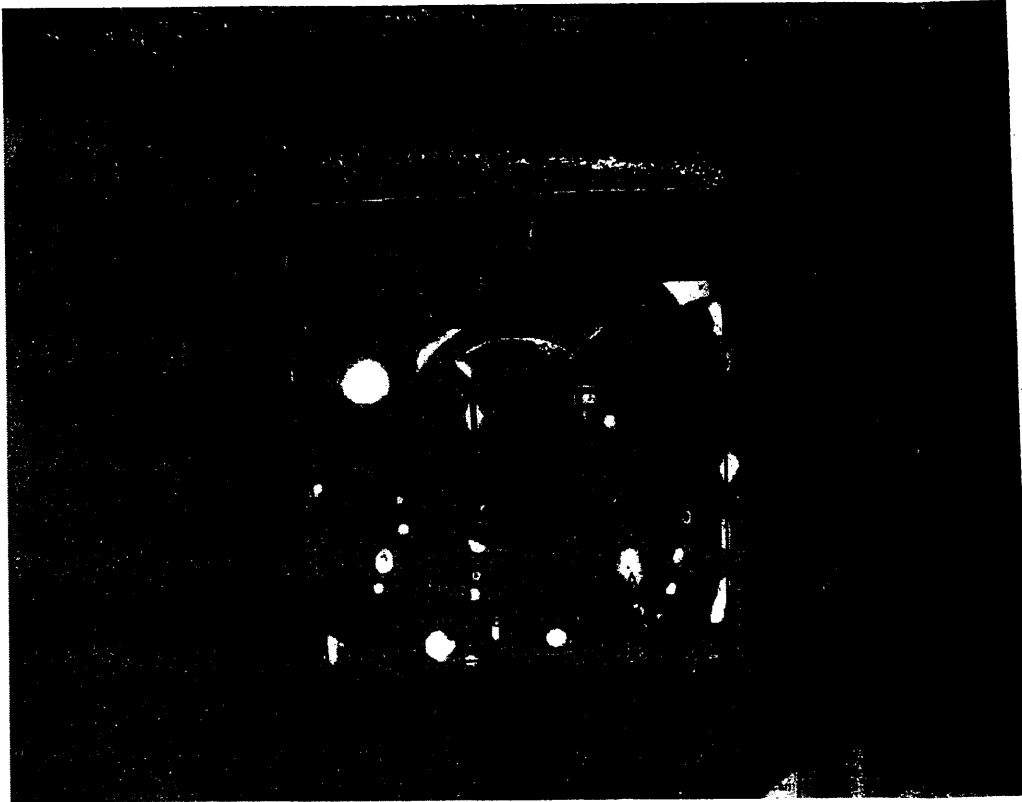
**Photo 8 – Another view of the side of the ATV where it was burned**



040503CCC1644

**Exhibit 1**

**Photo 9 – View of the sticker on the ATV where it reads in part “WARNING/ \*\*\*/ NEVER operate this ATV/ if you are under age 6”.**

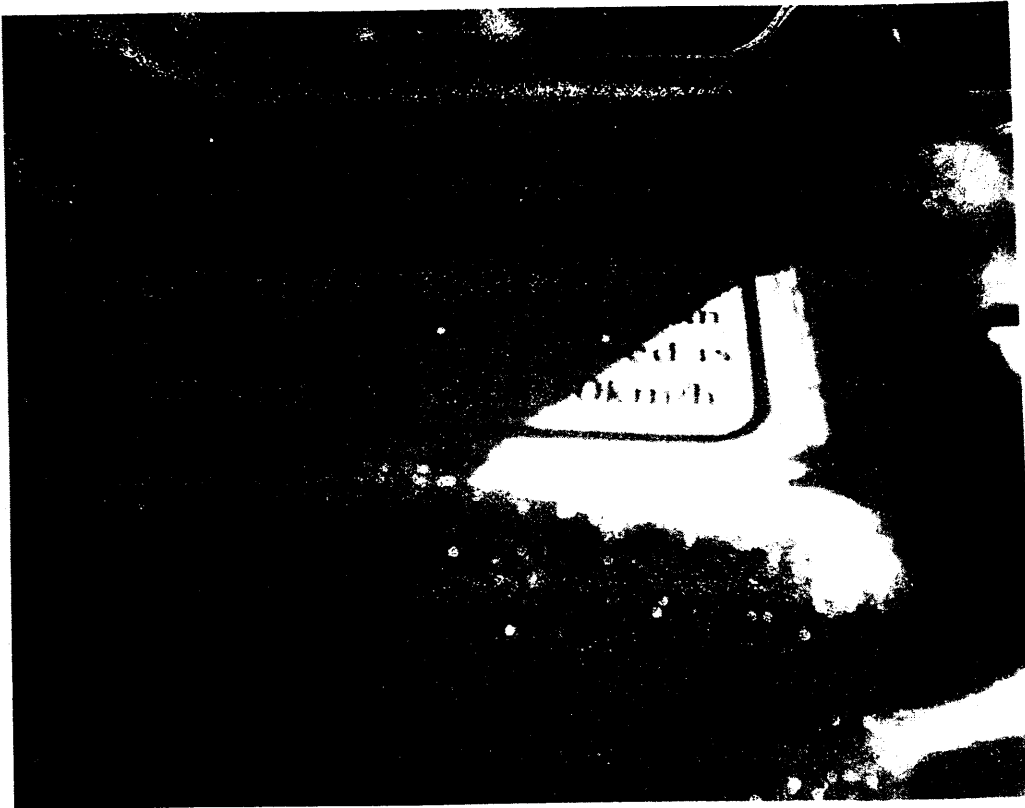




040503CCC1644

Exhibit 1

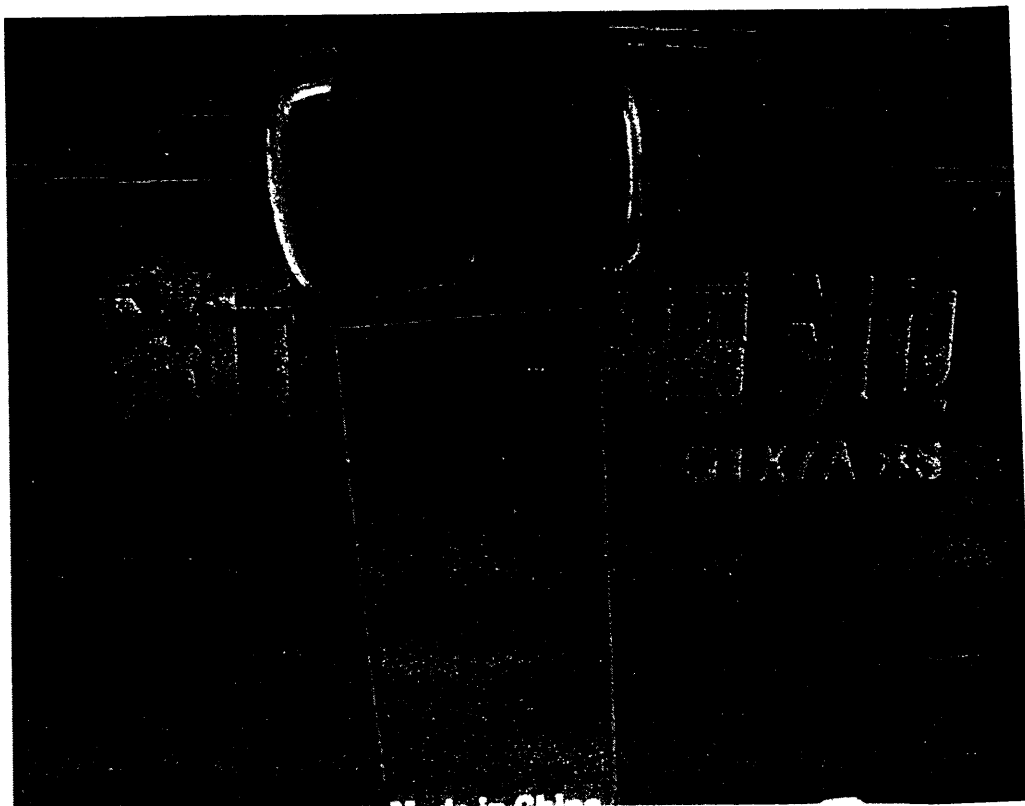
**Photo 10 – View of label on the side of the ATV where it reads “Attention!/ 1. Before starting, check the/ engine oil level./ 2. During the running in, change the engine oil once/ per 300km meanwhile clean/ the strainer and the speed is/ not allowed to exceed 50km/h”.**



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Exhibit 1

Photo 11 – Close up view of the back of the ATV where it reads in part  
“\*\*\*/GTX7A-BS/\*\*\*/ Made in China”



040503CCC1644

Exhibit 1

Photo 12 – View of the victim's backyard where it used the ATV



From: kristie [redacted] atv spring hill [redacted] .txt  
Sent: Thursday, April 29, 2004 6:33 PM  
To: sunny@kazuma.com

We purchased a Kazuma 4 wheeler for our son December 2003 as a Christmas present. Last night (4/28/04) when he started his 4 wheeler it caught fire for no apparent reason. We contacted the 800 # found on Kazuma web site and spoke to Jason. He informed us that we should contact the dealership directly (Cross Creek Cycles in Michigan) which my husband did. Although the man he spoke with was very nice, the only solution he came up with was to send us any parts that were burned and we could replace them ourselves. 1) We do not have the knowledge to replace parts nor do we know which parts to ask for and 2) I do not feel safe putting my 4 year old child back on a 4 wheeler that caught fire without it being looked at and a reason for this happening is found and resolved. After speaking to Cross Creek Cycles and not getting the problem resolved we were told to call Ky Lane in Houston. My husband spoke to her and was told the same thing as the dealership told him (replace parts that were burned). So after not getting anywhere with her, we spoke to Jason again, he gave us your email address. Please contact myself or my husband as soon as possible so we can get this resolved. My son really enjoyed his 4 wheeler and has been very upset over what happened last night. You can contact Kristie or Michael [redacted] our address is [redacted] 7

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Do you Yahoo!?

Win a \$20,000 Career Makeover at Yahoo! HotJobs  
<http://hotjobs.sweepstakes.yahoo.com/careermakeover>

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Exhibit 3

Page 1 of 3



[home](#) | [pay](#) | [register](#) | [sign in](#) | [services](#) | [site map](#) | [help](#)

[Browse](#)

[Search](#)

[Sell](#)

[My eBay](#)

[Community](#)

Powered By

[Back to home page](#)

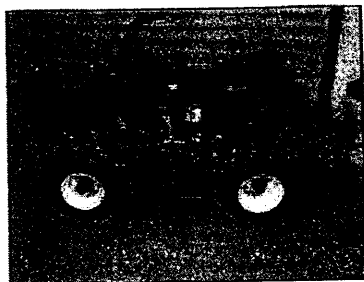
Listed in category: [Sporting Goods](#) > [Scooters](#) > [Gas](#)

## 4 Four-Wheeler Kids ATV Quad 50CC 4 Stroke Kazuma NEW!

Item number: 3683514337

Buyer or seller of this item? [Sign in](#) for your status

[Add to watch list](#) in My eBay



[Go to larger picture](#)

[Buy It Now](#) Price: **US \$695.00**

[Buy It Now >](#)

Time left: **4 days 7 hours**  
7-day listing  
Ends Jun-22-04  
17:35:59 PDT

Start time: **Jun-15-  
04 17:35:59 PDT**

Item location: **Houston, TX  
United States**

Ships to: **Worldwide**

[Shipping and payment details](#)

### Seller information

[mi Investments](#) (693 ★)

Feedback Score: 693  
Positive Feedback: 99.1%  
Member since Nov-24-99 in Unit  
States

[Read feedback comments](#)

[Ask seller a question](#)

[View seller's other items](#)

[Visit this seller's eBay Store!](#)

**409 Products**

**PayPal Buyer Protection**  
Free coverage up to \$500.  
[See eligibility](#)

### Description (revised)

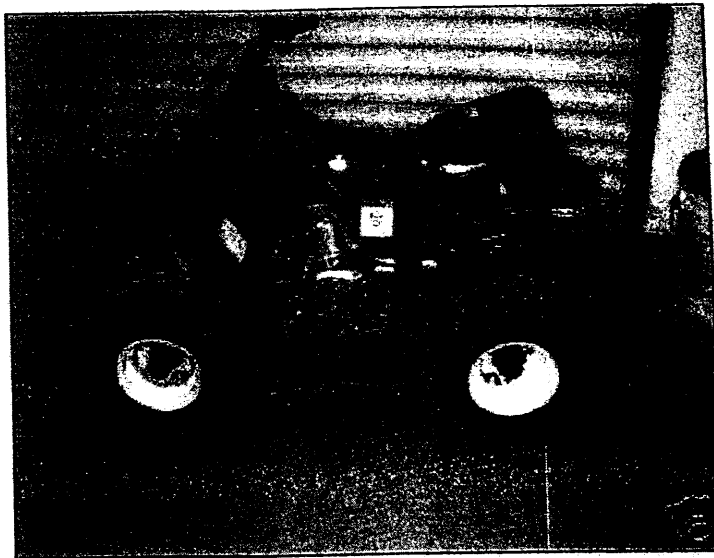
## 4 Four-Wheeler Kids ATV Quad 50CC Kazuma NEW!

Brand New!! Perfect for smaller kids. Easy to use and durable.

040503CCC1644

Exhibit 3

Page 2 of 3



/rpm)	2.3/8500
Max Torque (N/M/rpm)	3.0/5000
Ignition	12v CDI
Start	Electric with a set of keys
Transmission	Semi-automatic / No Hand Clutch
Dimensions LxWxH	44.09" x 24.1" x 28.75
Seat Height	22.4"
Weight	156.2 LBS
Tires	14.5 x 7 - 6
Brakes	Rear Drum
Top Speed	20 MPH
Suspension	Rear Mono Shock
Fuel Capacity	4.5 L
Noise	Very, Very Quiet 35db
Warranty	3 Months for Parts
Colors	Red, Blue, Yellow or Green
Safety Features	Kill switch, speed restrictor, headlight Speed Restrictor (Governor): You can adjust this down to 5 MPH while your child is learning to ride the ATV. Extra large brake for fast stopping. Easy to use auto kill switch,

040503CCC1644

Exhibit 3

Page 3 of 3

Emergency Engine Cut Off rear control. Attach a cord to the auto cutoff attachment and walk behind the child while riding. Pull the cord to cut of the engine in case of emergency.

Suggested  
Retail Price

\$1299

#### Auction Policy

I will ship anywhere, and combine auctions! Extra for international orders. Shipping insurance is offered but not required. I highly advise you to pay extra for insurance to protect your investment. Payment must be received within 14 days. If you need extra time, I will issue it to you as long as you give prior notice. When you bid, you are agreeing to all terms listed on the auction. If you feel there is a problem, please contact me before leaving negative feedback. Thank you =)

#### Defective Product Return Policy

### 3 month warranty on parts

#### General Product Return Policy

For general returns, if you are unsatisfied for any reason with a product you receive I will gladly accept the item back within 30 days for a full refund. All items returned to me will be subject to a 20% restocking fee and will credited back in the form of the original payment.

#### Multiple Purchases to Save You on Shipping

If you would like to combine auctions to save on shipping, the shipping charge will be reduced 50% on all items except the item costing the most to ship. For example, if you win 3 items costing \$12 to ship for one item, \$10 for the other one, and \$8 for the next, your total cost of shipping all 3 items will be \$21. A savings of \$9!!!

#### Shipping Charges (48 States Only)

- \$199 to a freight terminal near you
- \$250 for commercial w/dock delivery.
- \$350 for residential home delivery
- \$50 / Handling Fee for In Shop Pickup.
- In Stock and ready to go!



#### PLEASE DON'T BID IF YOU ARE NOT WILLING TO PAY!

I will leave negative feedback. I get charged for posting items on E-bay and then give E-bay a percentage of the sale. So don't bid unless you are ready to pay. I'll give you 14 days to get payment to me. After that you will be reported to E-bay. Bid responsibly, don't let you eyes be bigger than your wallet. Thank You



U.S. CONSUMER PRODUCT SAFETY COMMISSION  
WASHINGTON, DC 20207

U. S. CONSUMER PRODUCT SAFETY COMMISSION

AUTHORIZATION FOR RELEASE OF NAME

Thank you for assisting us in collecting information on a potential product safety problem. The U. S. Consumer Product Safety Commission depends on concerned people to share product safety information with us. We maintain a record of this information, and use it to assist us in identifying and resolving product safety problems.

We routinely forward this information to manufacturers and distributors to inform them of the involvement of their product in an incident situation. We also give the information to others requesting information about specific products or hazards. Manufacturers may need the individual's name so that they can obtain additional information on the product or incident situation.

Would you please indicate on the bottom of this page whether you will allow us to disclose your name. If you request that your name remain confidential, we will of course, honor that request. After you have indicated your preference, please sign your name and date the document on the lines provided.

☐ YES

☒ NO

Kristen [REDACTED]  
(Signature)

5/19/04  
(Date)



**040503CCC1644**

**Exhibit 5**

**Identification of Contacts:**

- 1. Kristie Scarangelia, complainant, 7958 Chaucer Drive, Spring Hill, FL 34607  
– (352) 597-9725 – visited on site on May 19, 2004 and talked to her on  
telephone on May 11, 2004, May 17, 2004 and June 9, 2004.**

ISSUE

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APR 30 2004

Pulley, Autumn S

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From: Hudnall, Maria L.  
Sent: Friday, April 30, 2004 8:17 AM  
To: Emerging Hazards; Hazard; Internet Incident Reports; Clearinghouse; Incident Reports  
Cc: Cohn, Murray S.; Pucciarelli, Ellen M  
Subject: Internet Form Complaint - Doc #I0440513

04/29/2004 18:20:03

Name = Kristie S.  
Address = [REDACTED] Dr  
City = Spring Hill  
State = Florida  
Zip = 34607  
Email = [REDACTED]  
Telephone = [REDACTED]  
Name of Victim = Nickolas S.  
Victim's Address = [REDACTED]  
Victim's City = Spring Hill  
Victim's State = Florida  
Victim's Zip = 34607  
Victim's Telephone = [REDACTED]

Incident Description: While my 4 year old son was starting his four wheeler it caught on fire for no apparent reason

Victim's age at time of incident = 4  
Victim's sex = Male  
Date of incident = 04/28/04  
Product involved = All Terrain Vehicle / 4 wheeler  
Product brand name/manufacture = Kazuma  
Place where manufactured (City and State or Country) = NO.3,ALLEY 16,JIH HSING LANE,CHUNG HSING ROAD SEC2  
, TA LI, TW ( Taiwan ) , 412  
Product involved still available = Yes  
Date product purchased = December 2003  
Name Release = Release name to manufacturer only



011115

1. CASE NO.		2. INVESTIGATOR'S ID		3. OFFICE CODE		EPIDEMIOLOGIC INVESTIGATION REPORT	
010827HEP0001		4410		591			
4. DATE OF ACCIDENT		5. DATE INVESTIGATION INITIATED		6. SYNOPSIS OF ACCIDENT OR COMPLAINT			
YR	MO	DAY	YR	MO	DAY		
01	08	25	01	09	18	The victim is a 14-year old male who was injured while riding his ATV on a street. The victim rear-ended another ATV, causing his ATV to flip to the side, throwing him off. He was taken to the hospital, treated for a lacerated elbow, and released later the same day.	
7. LOCATION (HOME, SCHOOL, ETC.)		8. CITY		9. STATE			
4		Sandy Hook		MS			
10. FIRST PRODUCT		11A. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS		11B. TRADE/BRAND NAME, MODEL NUMBER, MANUFACTURER & ADDRESS		FLEXIBLE FLYER	
3286						REMOVED BRANDIFIED COMMENTS: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> OVERRULLED: <input type="checkbox"/> ATTACHED <input type="checkbox"/> EXCISIONS FROM EX: <input type="checkbox"/> REVISIONS: <input type="checkbox"/> DO NOT RE-NOTIFY: <input checked="" type="checkbox"/> RE-ADVISE <input type="checkbox"/> 8-1-05	
12. AGE OF VICTIM		13. SEX (1 = M, 2 = F, 3 = UNK)		14. DISPOSITION		15. INJURY DIAGNOSIS	
014		1		1		59	
16. BODY PART		17. RESPONDENT(S) (Mother, Friend)		18. TYPE INVESTIGATION (1-ON SITE, 2-TELEPHONE, 3-OTHER)		19. TIME SPENT	
32		3		2		45 Min	
20. ATTACHMENTS		21. CASE SOURCE		22. REVIEWED BY		YR MO DAY	
		03		09/02		01/10/12	
24. NARRATIVE (More Detail May Be Included On Separate Page)							

CPSCT FORM NO. 182 (Revised 10/1985)

Task Number 010329HATPCCCL

## 2001 ATV Injury Survey

### Record of Telephone Calls

Inter-viewer	Day	Date	Time	Result*	Comments
CR	Sun	7/18	3 am pm	CB	
	Sun	7/18	8:32 am pm	CB	
	Sun	7/20	6:19 am pm	CB	
			am pm		
			am pm		
			am pm		
			am pm		
			am pm		
			am pm		

Suggested call-back time: Day: \_\_\_\_\_ Time: \_\_\_\_\_ am pm

#### \* RESULT OF CALL:

C = Completed

CB = Call Back

LB = Line Busy

WN = Wrong Number

NWN = Non-working Number

NER = No Eligible Respondent

AMN = Answering machine - no message left

AMM = Answering machine - message left

R = Refused

NA = No Answer

### Instructions to Interviewer

We are currently studying injuries associated with all-terrain vehicles known as ATVs. An ATV is a four- or three-wheeled off-road vehicle with large, low-pressure balloon tires, a seat designed to be straddled by the operator, and handlebars for steering. Dune buggies and four-wheel drive cars and trucks are not ATVs. ATVs are used for many different types of activities such as general recreation, hunting, fishing, farming, ranching, other business and occupational tasks, household chores (such as yard or garden work), and organized events such as racing. The word "operating" is used in the survey to refer to driving the ATV. The word "riding" is used to refer to driving or being a passenger.

### Person to be Interviewed

Please review the NEISS information, including the injured person's name, age, and the hospital name. If the injured person is 12 years old or younger, interview the parent or guardian. If the injured person is 13 to 17 years old, ask permission from the parent or guardian to interview the injured person. If permission is NOT granted, interview the parent or guardian.

If the injured person listed on the NEISS record or the parent or guardian is not familiar with the ATV accident, ask to speak to the person in the household who is most familiar with the accident. If this other person is 12 years old or younger, end interview. If this other person is 13 to 17 years old, ask permission from the parent or guardian to interview this other person. If permission is NOT granted, end interview.

### References to Respondent in Questions

References to the injured person in the question below are noted in italics with *you/your child the injured person*. Use the appropriate option depending on whether the respondent is the injured person, their child, or someone else.

The injured person may be a driver or passenger of the ATV or a bystander. Certain questions below concern the driver or the passenger, whether or not they are the injured person. It is helpful for the interviewer to keep in mind whether the respondent is the injured person and whether the injured person was the driver, passenger, or bystander. For example, the respondent may be the parent of the injured person and the injured person may be a passenger. Question 2 and Question 5 determine this information. The interviewer should make a note of the answers to these questions for later use. *You/your child* should be substituted for "the driver" or "the passenger" wherever appropriate.

### Interviewer Notes in the Questionnaire

The bolded text contains instructions for the interviewer and should not be read to the respondent. Unless otherwise noted, only the question should be read and not the listed responses. When the question indicates that the list of responses should be read, the "don't know/refused" response should not be read.

Some questions ask for the number of hours of some activity. The response should be rounded to the nearest half-hour. For example, if the response is four hours, record 4. If the response is four and half hours, record 4.5 hours. If the response is four and a quarter hours, record 4.5 hours.

If the survey prompts the interviewer to end the interview, thank the respondent for their time and cooperation.

### **Instructions for Specific Questions**

Question 6 determines if there was a passenger. A section on the passenger later in the survey is asked only if there was a passenger(s).

A letter requesting that the injured person record some information on the ATV should have been sent to the injured person. It is referred to before Question 7.

Question 8 determines if the ATV has 4-wheel drive. A question on the accident later in the survey (Question 62) is asked only if the ATV has 4-wheel drive.

Question 27 involves multiplying the responses of Question 25 and Question 26. A calculator may be helpful. For example, if the response to Question 25 is 5 and the response to Question 26 is 4, then the number 20 should be entered in the blank space in Question 27.

### **Survey Length**

If the respondent asks how long the survey will take, answer "around 25 minutes."

### **Contact Person**

If you have any questions or comments about this study, please contact Mark Levenson at 501-504-0470 extension 1222.

Hello. May I speak with \_\_\_\_\_? Ask for the injured person by name. If the injured person is 17 or younger, ask for a parent or guardian. If this person is not available, set up a time to call back and record on page 1.

Hello. I'm \_\_\_\_\_ from \_\_\_\_\_. We are working with the U.S. Consumer Product Safety Commission and some hospitals to find out how accidents occur with all-terrain vehicles (ATVs).

1. I understand that you were/your child was treated at Wahkiakum (Insert hospital name.) on 8/11/01 (Insert treatment date.) for an injury involving an all-terrain vehicle (ATV). Is that correct?
- 0 No  
→ What information is incorrect?
- 0 No one in household visited the emergency room → End Interview
- 1 There was no vehicle involved in the injury → End Interview
- 2 Someone else in the household was involved in ATV incident → Base survey on correct injured person. If necessary, set up a time to call back and record on page 1.
- 3 The treatment date is incorrect → Enter correct date \_\_\_\_\_
- 1 Yes
- 8 Don't Know → Ask to speak to the person in the household who is most familiar with the accident. If necessary, set up a time to call back and record on page 1.

Note to interviewer: If the injured person or respondent is a child between 13 and 17, ask for permission from the parent or guardian to interview the child directly. The parent may be present or on another telephone line during the interview. If the injured person is 12 or younger, interview the parent or guardian. If the injured person listed on the NEISS record or the parent or guardian is not familiar with the accident and the person in the household who is most familiar with the accident is 12 or younger, end interview. If necessary, repeat the introduction.

2. Would you answer some questions so that we can learn how these accidents happen? Your participation is entirely voluntary. Of course, your answers will be kept completely confidential, and no record will be kept of your name.
- 0 No → Ask if another time would be better and set up a time to call back and record on page 1.
- 1 Yes  
→ (Circle appropriate choice or ask if necessary.) Are you... (Read list.)
- 1 Injured person (Skip to Q3.)
- 2 Parent or guardian grandmother
- 7 Other → Specify \_\_\_\_\_
- Did you witness the accident?
- 1 Yes
- 2 No
- 8 Don't know/Refused

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3. Just to clarify, an ATV is a four- or three-wheeled off-road vehicle with large, low-pressure balloon tires, a seat designed to be straddled by the operator, and handlebars for steering. Dune buggies and four-wheel drive cars and trucks are not ATVs. Was the vehicle involved in the accident an ATV?
- 1 Yes
  - 2 No → End Interview
  - 8 Don't know/Refused
4. When the accident happened, was the ATV being operated, being repaired, being transported, or something else?
- 1 Being operated (includes being started, stopped, and in motion)
  - 2 Being repaired → End Interview
  - 3 Being transported (includes being loaded and unloaded) → End Interview
  - 7 Something else → Specify \_\_\_\_\_
  - 8 Don't know/Refused

**Note to interviewer: Note the responses to Q5 and Q6 for later use.**

5. Were you/was your child/was the injured person the driver of the ATV, a passenger, a bystander, or involved in some other way?
- 1 Driver
  - 2 Passenger
  - 3 Bystander
  - 7 Other → Specify \_\_\_\_\_
  - 8 Don't know/Refused
6. Including the driver, how many persons were riding the ATV at the time of the accident?
- 1 One
  - 2 Two
  - 3 Three
  - 7 Other → Specify \_\_\_\_\_ (Write in number.)
  - 8 Don't know/Refused

**Read:** Let's talk about the ATV involved in the accident. You may have been sent a letter encouraging you to record information on this ATV. If you need the letter at any point, I would be happy to wait for you to get it.

**Note to interviewer:** If there was more than one ATV involved in the incident, the ATV in these questions should refer to the ATV that the respondent was riding. If the respondent was a bystander, the ATV should refer to the ATV most involved in the injury (for example, the ATV that struck the bystander).

7. Who owns this ATV? Is it the person who was driving at the time of the accident or someone in the driver's household? Or was the ATV borrowed or rented?
- 1 Owned by driver or someone else in driver's household
  - 2 Borrowed or rented
    - Does the driver or someone else in the driver's household own any ATVs?
    - 01 Yes
    - 02 No
    - 88 Don't know/Refused
  - 8 Don't know/Refused

**Note to interviewer:** Note the response to "4-wheel drive" in Q8 for later use.

8. How many wheels does the ATV involved in the accident have?
- 0 4 wheels
    - Does this ATV have 4-wheel drive?
    - 00 No
    - 01 Yes
    - 88 Don't know/Refused
  - 1 3 wheels
  - 2 Other → Specify \_\_\_\_\_ (Write in number.) → End Interview
  - 8 Don't know/Refused

9. What company manufactured this ATV? (Read list only if necessary.)

- 01 Arctic Cat
- 02 Bombardier
- 03 Honda
- 04 Kawasaki
- 05 Polaris
- 06 Suzuki
- 07 Yamaha
- 08 Action
- 09 Alpha Sports
- 10 Avanti
- 11 Benzai (Aeon)
- 12 Cannondale
- 13 Cosmopolitan (Cosmo)
- 14 Dinli
- 15 DRR
- 16 E-Ton (Impulse)
- 17 Flexible Flyer (Yerf Dog)
- 18 Gilera
- 19 Her Chee
- 20 International (Husky)
- 21 JEHM (Blazer)
- 22 Kasea
- 23 LEM
- 24 Manco
- 25 Midwest
- 26 National
- 27 Panda
- 28 Startrack
- 29 Sundiro
- 30 T-Rex (Transnational)
- 31 United
- 32 X-Squared
- 33 Xtreme
- 77 Other → Specify \_\_\_\_\_
- 88 Don't know/Refused

10. What is the model name and model number of this ATV? (Probe for letters at the end of model number.)

_____	Model Name
_____	Model Number

8888 Don't know/Refused

11. What is the engine size in cc's (cubic centimeters) of this ATV? (If necessary, probe: "Engine size may be the same as the model number.") (Write in number.)

90 cc's

888 Don't know/Refused

**If Don't know/Refused:**

→ We would really like to get engine size. Is there someone else there now who might know? I'd be glad to wait while you ask.

1 Yes → Specify \_\_\_\_\_ cc's

2 No

8 Don't know/Refused

12. What is the model year for this ATV? (Write in number.)

2001 Model Year

8888 Don't know/Refused

13. What year and month did the owner purchase or obtain this ATV? (Write in number.)

2001 Year

July Month

8888 Don't know/Refused

14. Was this ATV new or used when it was obtained by the present owner?

1 New

2 Used

8 Don't know/Refused

15. Other than for routine maintenance or repairs, have any parts or accessories been installed on this ATV, such as... (Read list.) (Circle a response for each part—a through g.)

	<u>Yes</u>	<u>(No)</u>	<u>Don't Know/Refused</u>
a. Different tires or wheels	1	<u>(2)</u>	8
b. Special exhaust system	1	<u>(2)</u>	8
c. Suspension modifications	1	<u>(2)</u>	8
d. Engine high performance kit	1	<u>(2)</u>	8
e. Utility rack	1	<u>(2)</u>	8
f. Winch kit	1	<u>(2)</u>	8
g. Any other modifications	1	<u>(2)</u>	8

**If yes to "Any other modifications":**

→ What is it? Specify \_\_\_\_\_

16. Was this ATV equipped with a rack at the time of the accident?

0 No

1 Yes

→ Was the rack mounted on the front or the back of the ATV?

01 Front

02 Back

03 Front and back

88 Don't know/Refused

→ Was the rack carrying a load?

00 No

01 Yes

→ About how heavy was the load? (Write in number.)

Pounds

888 Don't know/Refused

88 Don't know/Refused

8 Don't know/Refused

17. Could you please describe in detail how the injury happened? Please include the sequence of events just prior to, during, and after the injury

**NOTE to interviewer:** Probe for details. Find out the series of events in the accident and factors that may have contributed to the accident. Review the main points of the summary to the respondent. Ask if you missed any important details. In retelling the response, make sure that it makes sense. As respondent to expand on parts that are unclear.

The victim is a 14-year-old male whose grandmother reported that he was injured while driving his Flexible Flyer (Yerf Dog) 4-wheel ATV. She states that the victim was following behind his brother's ATV on a blacktop road in front of their home. The victim was driving too close and hit the rear end of the vehicle in front. His ATV flipped to the left and threw the victim off. He landed on the pavement and lacerated his elbow. They left the ATV sitting on its side in the road and the victim's brother brought him home on his ATV. The victim was taken to the hospital by his mother. The laceration was treated and he was released.

Note to interviewer: Ask questions 18-36 about the driver of the ATV, whether or not the injured person was the driver. If respondent was the driver, change the words "the driver" to "you" wherever appropriate. If respondent is the parent or guardian of the driver, change the words "the driver" to "your child" wherever appropriate.

Read: The next few questions concern the person who was driving the ATV when the accident happened.

18. How old is the driver? (Write in number.)

14 Years

888 Don't know/Refused

If Don't know/Refused:

→ Was the driver... (Read list.)

1 18 years or older

2 16 or 17 years old

3 Younger than 16

8 Don't know/Refused

19. Is the driver female or male?

0 Female

1 Male

8 Don't know/Refused

20. About how tall is the driver? (Write in number.)

5 Feet

1 Inches

88 Don't know/Refused

21. About how much does the driver weigh? (Write in number.)

136 Pounds

888 Don't know/Refused

22. Prior to this accident, how many months or years had the driver been operating any ATV?  
(Write in number.)

\_\_\_\_\_ Less than one month

→ How many days? (Write in number.)

\_\_\_\_\_ Days

88 Don't know/Refused

\_\_\_\_\_ Months (Skip to Q24.)

1-2 Years (Skip to Q24.)

88 Don't know/Refused (Skip to Q24.)

23. In the last 30 days prior to this accident, about how many total hours did the driver operate ATVs? (Write in number.) (Round to nearest half-hour.)

\_\_\_\_\_ Hours (Skip to Q30.)

88 Don't know/Refused

**If Don't know/Refused:**

→ Which of the following ranges would it be closest to? (Read list.)

01 Less than 10 hours (Skip to Q30.)

02 10 to less than 50 hours (Skip to Q30.)

03 50 to less than 100 hours (Skip to Q30.)

04 100 hours or greater (Skip to Q30.)

88 Don't know/Refused (Skip to Q30.)

24. Prior to this accident, in how many of the last 12 months did the driver operate any ATV?  
(Write in number.)

2 Months

00 Zero months (Did not operate ATV in last 12 months) (Skip to Q30.)

88 Don't know/Refused



25. In the last 30 days before this accident, about how many days did the driver operate any ATV? (Write in number.)

7 Days

00 Zero days (Did not operate ATV in last 30 days) (Skip to Q28.)

88 Don't know/Refused (Skip to Q28.)

26. On an average day of driving in the last 30 days before this accident, about how many hours did the driver spend actually operating any ATV (as opposed to transporting the ATV to the riding site, loading, or refueling, etc.)? (Write in number.) (Round to nearest half-hour.)

4 Hours

88 Don't know/Refused (Skip to Q28.)

27. Based on what you told me, the driver operated ATVs 2.8 (Calculate Q25 times Q26 and insert in blank.) hours in the last 30 days before this accident. Is this about average for the months the driver operated ATVs in the last 12 months prior to this accident?

0 No

1 Yes (Skip to note before Q29.)

8 Don't know/Refused

28. In the last 12 months prior to this accident, about how many hours did the driver operate ATVs in an average month in which the driver operated ATVs? (Write in number.) (Round to nearest half-hour.)

       Hours

88 Don't know/Refused

**If Don't know/Refused:**

→ Which of the following ranges would it be closest to? (Read list.)

01 Less than 5 hours

02 5 to less than 10 hours

03 10 to less than 15 hours

04 15 to less than 25 hours

05 25 to less than 50 hours

06 50 hours or greater

88 Don't know/Refused

Note to interviewer: Ask Q29 only if the response to Q24 is "Don't know/Refused."  
Otherwise, skip to Q30.

29. In the last 12 months prior to this accident, about how many total hours did the driver operate ATVs? (Write in number.) (Round to nearest half-hour.)

\_\_\_\_ Hours  
88 Don't know/Refused

**If Don't know/Refused:**

→ Which of the following ranges would it be closest to? (Read list.)

- 01 Less than 10 hours
- 02 10 to less than 50 hours
- 03 50 to less than 100 hours
- 04 100 hours or greater
- 88 Don't know/Refused

30. Now let's consider how ATVs are used. During the past year, did the driver operate ATVs for any of the following non-recreational purposes? (Read list.) (Circle a response for each part—a through d.)

	<u>Yes</u>	<u>No</u>	<u>Don't Know/ Refused</u>
a. Farming or ranching	1	2	8
b. Other business or occupational tasks (excluding farming or ranching)	1	2	8
c. Household chores such as yard or garden work	1	2	8
d. Any other non-recreational purposes	1	2	8

If yes to "Any other non-recreational purposes":

→ What is it? Specify \_\_\_\_\_

Note to interviewer: If responses to all parts of Q30 are No or Don't Know/Refused, skip to Q32.

31. For every 10 hours the driver operated ATVs during the past year, about how many hours did the driver operate ATVs for non-recreational purposes? (Write in number.) (Round to nearest half-hour.)

\_\_\_\_ Hours  
88 Don't know/Refused

32. Now I am going to ask you about clothing. When the accident happened, was the driver wearing any special clothing such as a helmet, goggles, gloves, or ankle-length boots?

☒ No

1 Yes (Circle all that apply.)

01 Helmet

02 Goggles

03 Gloves

04 Ankle-length boots

77 Other → Specify \_\_\_\_\_

8 Don't know/Refused

33. Thinking about helmet use, for every 10 hours the driver operated ATVs during the past year, about how many hours did the driver wear a helmet? (Write in number.) (Round to nearest half-hour.)

0 Hours

88 Don't know/Refused

34. During the past year, did the driver carry passengers while operating ATVs?

1 Yes

☒ No (Skip to Q36.)

8 Don't know/Refused (Skip to Q36.)

35. For every 10 hours the driver operated ATVs during the past year, about how many hours did the driver carry passengers? (Write in number.) (Round to nearest half-hour.)

\_\_\_\_\_ Hours

88 Don't know/Refused

36. How did the driver learn to operate ATVs? (Read list.) (Circle all that apply.)

1 Organized training program

→ What was the name of the training organization? Specify \_\_\_\_\_

→ Was the organized training program arranged through the dealer as part of the purchase?

00 No

01 Yes

88 Don't know/Refused

2 Trained by ATV dealer or salesman

☒ 3 Friend or relative

4 Self-taught

5 Watched a training video

7 Other → Specify \_\_\_\_\_

8 Don't know/Refused

Note to interviewer: If there were no passengers (that is, Q6 is one), skip to note before Q49.

Ask questions 37-48 about the passenger(s) on the ATV, whether or not the injured person was the passenger. If respondent was the passenger, change the words "the passenger" to "you" wherever appropriate. If respondent is the parent or guardian of the passenger, change the words "the passenger" to "your child" wherever appropriate.

Note to interviewer: If there was one passenger (Q6 is two), read: I have a few questions about the passenger on the ATV at the time of the accident.

Note to interviewer: If there was more than one passenger (Q6 is three or more), read: I have a few questions about the passengers on the ATV at the time of the accident. Now, let's talk about the first passenger.

37. What is the age of the passenger who was riding the ATV when the accident occurred?  
(Write in number.)

\_\_\_\_ Years  
888 Don't know

38. Is the passenger female or male?

0 Female  
1 Male  
8 Don't know/Refused

39. About how tall is the passenger? (Write in number.)

\_\_\_\_ Feet  
\_\_\_\_ Inches  
88 Don't know/Refused

40. About how much does the passenger weigh? (Write in number.)

\_\_\_\_ Pounds  
888 Don't know/Refused

41. When the accident happened, was the passenger wearing any special clothing such as a helmet, goggles, gloves, or ankle-length boots?

0 No  
1 Yes → (Circle all that apply.)  
01 Helmet  
02 Goggles  
03 Gloves  
04 Ankle-length boots  
77 Other → Specify \_\_\_\_\_

8 Don't know/Refused

42. Where was the passenger seated? (Read list.)

1 In front of the driver

2 In back of the driver

7 Somewhere else → Specify \_\_\_\_\_

8 Don't know/Refused

**Note to interviewer:** If there was only one passenger (Q6 is two), skip to note before Q49.

**Read:** Now let's talk about the second passenger.

43. What is the age of the second passenger? (Write in number.)

\_\_\_\_ Years

888 Don't know

44. Is the second passenger female or male?

0 Female

1 Male

8 Don't know/Refused

45. About how tall is the second passenger? (Write in number.)

\_\_\_\_ Feet

\_\_\_\_ Inches

88 Don't know/Refused

46. About how much does the second passenger weigh? (Write in number.)

\_\_\_\_ Pounds

888 Don't know/Refused

47. When the accident happened, was the second passenger wearing any special clothing such as a helmet, goggles, gloves, or ankle-length boots?

0 No

1 Yes → (Circle all that apply.)

01 Helmet

02 Goggles

03 Gloves

04 Ankle-length boots

77 Other → Specify \_\_\_\_\_

8 Don't know/Refused

48. Where was the second passenger seated? (Read list.)

1 In front of the driver

2 In back of the driver

7 Somewhere else → Specify \_\_\_\_\_

8 Don't know/Refused

Read: Earlier you told me how the accident happened. I would like to review some of the details.

49. At the time of the accident, what was the ATV being used for? (Read list.)

- ☒ 1 General recreation
- 2 Hunting or fishing
- 3 Farming or ranching
- 4 Other business or occupational tasks (excluding farming or ranching)
- 5 Household chores such as yard or garden work
- 6 Organized events such as racing
- 7 Other → Specify \_\_\_\_\_
- 8 Don't know/Refused

50. On the day of the accident, how long had the driver been operating the ATV involved in the accident before the accident happened? (Write in number.)

- 15 Minutes  
\_\_\_\_ Hours  
88 Don't know/Refused

51. Did the accident occur on private property or on public property?

- 0 Private property
- ☒ 1 Public Property
- 8 Don't know/Refused

52. Did the accident occur on a road?

- 0 No
- ☒ 1 Yes
  - Was the driver... (Read list.)
    - ☒ 00 Driving on the road
    - 01 Crossing the road
    - 88 Don't know/Refused
  - Was it a... (Read list.)
    - ☒ 01 Public road
    - 02 Private road
    - 88 Don't know/Refused
  - Was it... (Read list.)
    - 01 Unpaved (Skip to Q54.)
    - ☒ 02 Paved (Skip to Q55.)
    - 88 Don't know/Refused (Skip to Q54.)
- 8 Don't know/Refused

53. What type of terrain did the accident occur on? (Read list.)

- 1 Cultivated field, pasture, or range
- 2 Forest or woods
- 3 Yard or lawn
- 4 Desert or sand dunes
- 7 Other → Specify \_\_\_\_\_
- 8 Don't know/Refused

54. Was the ground surface grass, dirt, sand, gravel or stones, paved, or something else?

- 1 Grass
- 2 Dirt
- 3 Sand
- 4 Gravel or stones
- 5 Paved
- 7 Other → Specify \_\_\_\_\_
- 8 Don't know/Refused

55. Were there surface irregularities such as potholes, ruts, or bumps?

- 0 No
- 1 Yes
- Specify (Circle all that apply.)
- 01 Potholes
- 02 Ruts
- 03 Bumps
- 77 Other → Specify \_\_\_\_\_
- 88 Don't know/Refused
- 8 Don't know/Refused

56. Was there a surface covering such as water, snow, ice, leaves, or something else?

- 0 No
- 1 Yes
- What was the covering? (Circle all that apply.)
- 01 Water → Specify (e.g., Puddle, stream, etc.) \_\_\_\_\_
- 02 Snow
- 03 Ice
- 04 Leaves
- 77 Other → Specify \_\_\_\_\_
- 88 Don't know/Refused
- 8 Don't know/Refused

57. When the accident occurred, was the ATV on level ground, facing uphill, downhill, across the hill, or at the crest of a hill?

- ☒ 1 Level ground
- ☐ 2 Uphill
- ☐ 3 Downhill
- ☐ 4 Across the hill
- ☐ 5 Crest of hill
- ☐ 8 Don't know/Refused

58. At the time of the accident, was the ATV travelling forward, backward, or not moving at all?

- ☒ 1 Forward
- ☐ 2 Backward
- ☐ 3 Not moving at all (stopped) (Skip to Q67.)
- ☐ 7 Other → Specify \_\_\_\_\_
- ☐ 8 Don't know/Refused

59. When the accident happened, was the ATV beginning to move, speeding up, slowing down, stopping, or being driven at a constant speed?

- ☐ 1 Beginning to move (starting up)
- ☐ 2 Speeding up
- ☐ 3 Slowing down
- ☐ 4 Stopping
- ☒ 5 Being driven at a constant speed
- ☐ 8 Don't know/Refused (Skip to Q61.)

60. Did the driver intend to do this (start, speed up, slow down, stop, or ride at a constant speed)?

- ☐ 0 No
- ☒ 1 Yes
- ☐ 8 Don't Know/Refused

61. About how fast was the ATV going at the time of the accident? (Write in number.)

- 15 Miles per hour
- 888 Don't know/Refused

**Note to interviewer: Ask Q62 only if Q8 indicates that the ATV has "4-wheel drive." Otherwise, skip to Q63.**

62. What speed range was the ATV in? (Read list.)

- ☐ 1 High
- ☐ 2 Low
- ☐ 3 Superlow
- ☐ 8 Don't know/Refused



63. Did the ATV hit an obstacle such as a bump, a tree, or a vehicle?

☐ No (Skip to Q65.)

☒ Yes

→ Was it... (Read list.) (Describe size and shape.)

01 Ground irregularity (bump, rut, series of ruts)

02 Stationary object (tree, fence)

☒ 03 Moving object (ATV, vehicle, person, animal)

ATV

04 Other moving object hit ATV

77 Other

8 Don't know/Refused (Skip to Q65.)

64. Did the ATV hit a second obstacle?

☐ No

☒ Yes

→ Was it... (Read list.) (Describe size and shape.)

01 Ground irregularity (bump, rut, series of ruts)

02 Stationary object (tree, fence)

03 Moving object (ATV, vehicle, person, animal)

04 Other moving object hit ATV

77 Other

8 Don't know/Refused

65. Again, when the accident happened was the driver trying to swerve or make a turn?

- ☒ 0 No  
☐ 1 Yes

→ Was the driver turning on a curved path, swerving to avoid something, or turning for some other reason?

00 On a curved path

01 Avoiding something

77 Other → Specify \_\_\_\_\_

88 Don't know/Refused

8 Don't know/Refused

66. Did the driver apply the brakes right before the accident?

- ☐ 0 No  
☒ 1 Yes

→ Why? (Read list.)

☒ 01 To avoid hitting something

02 To slow down or stop

77 Other → Specify \_\_\_\_\_

88 Don't know/Refused

8 Don't know/Refused

67. Did any rider's foot contact the ground to balance the ATV (or for any other reason) at the time of the accident?

- ☒ 0 No  
☐ 1 Yes

→ Whose foot?

01 Driver

02 Passenger

03 Both

88 Don't know/Refused

8 Don't know/Refused

68. Did any rider's foot contact the rear wheel of the ATV?

- ☒ 0 No  
☐ 1 Yes

→ Whose foot?

01 Driver

02 Passenger

03 Both

88 Don't know/Refused

8 Don't know/Refused

69. When you think back about the accident, would you say the first event in the sequence was:  
hitting an obstacle, turning, driving on a slope, or something else?

☒ 1 Hitting an obstacle

☐ 2 Turning

☐ 3 Driving on a slope

☐ 7 Something else → Specify \_\_\_\_\_

☐ 8 Don't know/Refused

70. Did the ATV tip (one or more wheels leave the ground) during the accident sequence?

☐ 0 No (Skip to Q74.)

☒ 1 Yes

→ In what direction did the ATV tip--right, left, forward, or backward?

☐ 01 Right

☒ 02 Left

☐ 03 Forward

☐ 04 Backward

☐ 77 Combination → Specify \_\_\_\_\_

☐ 88 Don't know/Refused

☐ 8 Don't know/Refused (Skip to Q74.)

71. Did the ATV overturn during the accident sequence?

☐ 0 No (Skip to Q73.)

☒ 1 Yes

→ In what direction did the ATV overturn--right, left, forward, or backward?

☐ 01 Right

☒ 02 Left

☐ 03 Forward

☐ 04 Backward

☐ 77 Combination → Specify \_\_\_\_\_

☐ 88 Don't know/Refused

☐ 8 Don't know/Refused (Skip to Q73.)

72. Did you/your child/the injured person roll with the ATV as it overturned?

☒ 0 No

☐ 1 Yes

☐ 8 Don't know/Refused

73. Did the tip or overturn occur prior to, during, or after the injury?

☐ 0 Prior to the injury

☒ 1 During the injury

☐ 2 After the injury

☐ 8 Don't know/Refused

74. Were you/was your child/was the injured person thrown, or did you/your child/the injured person fall or jump from the ATV during the accident?

0 No

☒ 1 Yes

→ Specify

☒ 01 Thrown

02 Fall

03 Jump

77 Other → Specify \_\_\_\_\_

88 Don't know/Refused

8 Don't know/Refused

75. Did the ATV land on, run over, or contact any part of your/your child's/the injured person's body?

☒ 0 No

1 Yes

8 Don't know/Refused

76. At the time of the accident, was the driver doing any maneuver such as jumping, wheelies, or racing?

☒ 0 No

1 Yes

→ Specify (Circle all that apply.)

01 Jumping

02 Wheelies

03 Racing

77 Other → Specify \_\_\_\_\_

88 Don't Know/Refused

8 Don't know/Refused

77. Did the ATV or one of its parts malfunction or not work the way it should, thereby possibly contributing to this accident?

0 No

① Yes

→ Specify

01 Throttle stuck

02 Steering locked

③ 03 Brakes locked

04 Wheel came off

05 Tire punctured

06 Choke malfunctioned

77 Other → Specify \_\_\_\_\_

88 Don't know/Refused

8 Don't know/Refused

78. At about what time did the accident happen? (Write in time.)

12:30 a.m.

\_\_\_\_\_ p.m.

8888 Don't know/Refused

**Read:** Now, I am going to ask you some questions about the injury.

79. The emergency room record indicates the injury was elbow laceration (Insert diagnosis from NEISS record.) Is that a correct description of your/your child's/the injured person's injury?

0 No → Specify \_\_\_\_\_

① Yes

8 Don't know/Refused

80. Did you/your child/the injured person spend any nights in the hospital?

① 0 No

1 Yes

→ ; How many nights? (Write in number.)

\_\_\_\_\_ Nights

, 88 Don't know/Refused

**Note to interviewer: If respondent is the injured person, skip to Q81.**

→ Is your child/is the injured person still hospitalized?

00 No

01 Yes

88 Don't know/Refused

8 Don't know/Refused

81. Do you/does your child/does the injured person have a job?

0 No (Skip to Q83.)

1 Yes

8 Don't know/Refused (Skip to Q83.)

82. As a result of this accident, did you/your child/the injured person miss any days of work?

0 No

1 Yes

→ How many days? (Write in number.)

\_\_\_\_\_ Days

88 Don't know/Refused

→ Are you/is your child/is the injured person still unable to work, as a result of this accident?

00 No

01 Yes

88 Don't know/Refused

8 Don't know/Refused

83. Do you/does your child/does the injured person attend school?

0 No (Skip to Q85.)

1 Yes

8 Don't know/Refused (Skip to Q85.)

84. As a result of this accident, did you/your child/the injured person miss any days of school?

0 No

1 Yes

→ How many days? (Write in number.)

\_\_\_\_\_ Days

88 Don't know/Refused

→ Are you/is your child/is the injured person still unable to attend school, as a result of this accident?

00 No

01 Yes

88 Don't know/Refused

8 Don't know/Refused

85. Was anyone else other than *you/your child/the injured person being discussed* injured in the accident?

- ☒ No  
1 Yes

→ Was the other injured person(s) a driver, passenger, or bystander? (Circle all that apply.)

- 01 Driver  
02 Passenger  
03 Bystander  
77 Other → Specify \_\_\_\_\_  
88 Don't know/Refused

8 Don't know/Refused

**Read:** Now, I am going to ask you some questions about warning labels on the ATV involved in the accident.

86. Were there warning labels on this ATV? (Have the respondent answer without consulting any documents or the ATV itself.)

- ☒ Yes  
2 No (Skip to Q88.)  
8 Don't know/Refused (Skip to Q88.)

87. Which of the following activities do the labels warn against? (Read list.) (Circle a response for each part—a through l.) (Have the respondent answer without consulting any documents or the ATV itself.)

	<u>Yes</u>	<u>No</u>	<u>Don't Know/Refused</u>
a. Carrying passengers	(1)	2	8
b. Driving on public roads	1	(2)	8
c. Driving on paved surfaces	1	(2)	8
d. Driving without a helmet	(1)	2	8
e. Touching the hot engine	1	(2)	8
f. Riding too fast	1	(2)	8
g. Drug and alcohol use while operating an ATV	(1)	2	8
h. Stunt riding	1	(2)	8
i. Smoking and riding	1	(2)	8
j. Wearing soft-soled shoes	1	(2)	8
k. The use of an adult-sized ATV (engine size greater than 90 cc) when under age 16	1	(2)	8
l. The use of an ATV with engine size between 70 cc and 90 cc when under age 12	(1)	2	8

88. Did the driver involved in this accident take any medication or drugs prior to the accident? (If helpful, remind respondent that names are never associated with this survey.)

(0) No  
 1 Yes → Specify \_\_\_\_\_  
 8 Don't know/Refused

89. Did the driver have any alcoholic beverage prior to the accident? (If helpful, remind respondent that names are never associated with this survey.)

(0) No  
 1 Yes → Specify \_\_\_\_\_  
 8 Don't know/Refused

Thank you very much for your cooperation in this effort to prevent others from having these accidents.





011031

1. Task Number 010705CCN0724		2. Investigator's ID 8187		EPIDEMIOLOGIC INVESTIGATION REPORT
3. Office Code 830	4. Date of Accident YR MO DAY 1999 08 05	5. Date Initiated YR MO DAY 2001 08 15		
6. Synopsis of Accident or Complaint UPC A girl, nearly three years old, was riding a 90cc 4-wheeled ATV with her father and her six year old sister. The three year old was sitting between her father (the operator) and her sister; her sister was sitting in front near the handlebars. The three year old was able to insert her right foot into the drive chain causing the amputation of all five toes.  <div style="text-align: right;"> <p>NEP/CRYLAB NOTIFIED</p> <p>COMMENTS: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p><input type="checkbox"/> OVERRULED <input type="checkbox"/> ATTACHED</p> <p><input checked="" type="checkbox"/> EXCISIONS/FOIA Est. 256</p> <p><input type="checkbox"/> Revisions</p> <p><input checked="" type="checkbox"/> DO NOT RE-NOTIFY <input type="checkbox"/> RE-NOTIFY</p> <p>8-1-05</p> </div>				
7. Location (Home, School, etc) 1 - HOME		8. City PARAGOULD		9. State AR
10A. First Product 3286 - All Terrain Vehicles (four W		10B. Trade/Brand Name IMPULS 90CC		10C. Model Number RFZ9EA0S4XA00181
10D. Manufacturer Name and Address AMERICAN SUNDIRO INC (ASSEMBLER) 1310 S. ELMIRA Russellville, AR 72802				
11A. Second Product 0		11B. Trade/Brand Name NONE		11C. Model Number NONE
11D. Manufacturer Name and Address NONE				
12. Age of Victim 2	13. Sex 2 - Female	14. Disposition 4 - Hospitalized	15. Injury Diagnosis 50 - Amputation	
16. Body Part(s) Involved 93 - TOE	17. Respondent 3 - 2nd Hand Info Only	18. Type of Investigation 3 - Other	19. Time Spent (Operational / Travel) 8.5 / 4	
20. Attachment(s) 9 - Multiple Attachments		21. Case Source 13 - Other Case Source		22. Sample Collection Number
23. Permission to Disclose Name (Non NEISS Cases Only) <input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> Verbal				
24. Review Date 08/21/2001	25. Reviewed By 8631		26. Regional Office Director Eric B. Ault	
27. Distribution Blend, Larry S.; David, Jo-Annette			28. Source Document Number G0170069A	

INJURY SCENARIO:

PRE-INJURY PHASE:

THE INITIAL VISIT regarding this investigation was with the Engineering firm, Ryan's Engineering, of Siloam Springs, AR. on 7/24/01. The meeting was with Joe Capps. There has not been a meeting with the victim or victim's family. A follow up meeting with the family attorney took place in Jonesboro, AR. on 8/07/2001.

The vehicle involved in this incident had been purchased approximately three weeks before the injury occurred. The victim's father purchased this ATV in July 1999 from a local ATV dealership. It was then modified by the father by removing the plastic frame (shell) and replacing it with a shell of a 50 cc ATV (same model) that had been purchased approximately 8 months before. The reason given by the victim's father to the Attorney representing the family was to allow his six-year old daughter to have an advantage when she raced the vehicle on a dirt oval track. In the community where the family lives children aged 6-12 can race their ATVs. Also modification involving the addition of a 30 to 40 pound weight to the bottom side of the footrest on the left side was made. The reason for the addition of the weight was to prevent tipping over of the ATV on the track when the six-year-old was making a left-hand turn. The father did not alter the stainless steel shield found on the right side of the ATV, according to the Attorney. This was also corroborated in the statement made by the victim's father in the deposition with the attorney. (See attachment 1)

INJURY PHASE:

On the day of the injury, the father was driving this vehicle with his two daughters. He stated in a deposition (Attachment 1) that he was not drinking any alcoholic beverages or taking any medication or other drug prior the time of the injury. The six-year-old daughter was sitting in front closest to the handlebars. The victim, who was nearly three-year old, was sitting directly in front of her father. Reportedly, she had her hands around the waist of her six-year-old sister. The victim was not wearing any shoes at the time of the injury.

Immediately before the injury, the father was driving the ATV on a gravel driveway of the family' home. The driveway was described as having a slight incline. The exact degree of the slope is unknown. The speed of the ATV was estimated at being 7 to 8 miles per hour. The first sign of an injury to the victim's father was "his feeling warm blood on his face".

He then looked down and found that his daughter (the 3 year-old) had blood on back of her leg. When he noticed his daughter's toes had been amputated he ran his daughter into the house and covered her foot with a towel.

of the child's age, and the growth pattern of a child's toes, it would be wiser not to reattach her toes.

## PRODUCT DESCRIPTION

The product involved is a 90cc engine that was modified when the victim's father replaced the plastic shell (frame) with a 50-cc frame. The purpose of the modification was to provide an advantage (speed) when the vehicle was being raced. The older daughter (the six-year-old daughter) had raced this vehicle at a dirt track. Therefore the labeling IMPULS TXL 50 found on the gas tank of the vehicle is not indicative of the engine displacement of this ATV. According to the engineers examining the different sizes of ATVs the 90 cc product has the same carburetor, starter, ignition type, battery, wheelbase, and brakes as the 50cc unit. According to the engineers the two differ in the length (50 inches for the TXL 50) and 54 inches for the TXL 90. Also they differ in dry weight- 187 pounds for the TXL 50 and 220 pounds for the 90cc; finally the seat height- 32 inches for the TXL 50 and 34 inches for the 90cc is different.

Information found on the ATV included the VIN # RFZ9EA054XA001810. Also found on the plastic shell (frame) of TXL 50 is "WARNING UNDER 12 OPERATIONS OF THIS ATV BY CHILDREN UNDER THE AGE OF 12 INCREASES THE RISK OF SEVERE INJURY OR DEATH. ADULT SUPERVISION REQUIRED FOR CHILDREN UNDER AGE 16 NEVER PERMIT CHILDREN UNDER AGE OF 12 TO OPERATE THIS ATV".

Also, found on another label on the other side of the ATV is the "Cold tire pressure 2.2 + 0.4 psi Maximum load capacity 68 kg (150 lbs) Overadjustment can adversely affect vehicle handling.

It is believed this vehicle (the 90cc) was purchased in July 1999. A 50cc vehicle was purchased in December 1998 by the victim's father.

The victim's father further modified the ATV by adding a 30 to 40 pound weight on the bottom side of the footrest. This was done to prevent the ATV from tipping over when it was being raced by the victim's six-year-old sister. It is believed the vehicle had been raced at least once before the injury incident.

Other information regarding the 90cc ATV include: TLX-90 engine as a 82.5 cc two-stroke single type, a CVT (V-belt) transmission, a wheelbase of 36.5 inches, and tire sizes of 19X 8-7 tubeless.

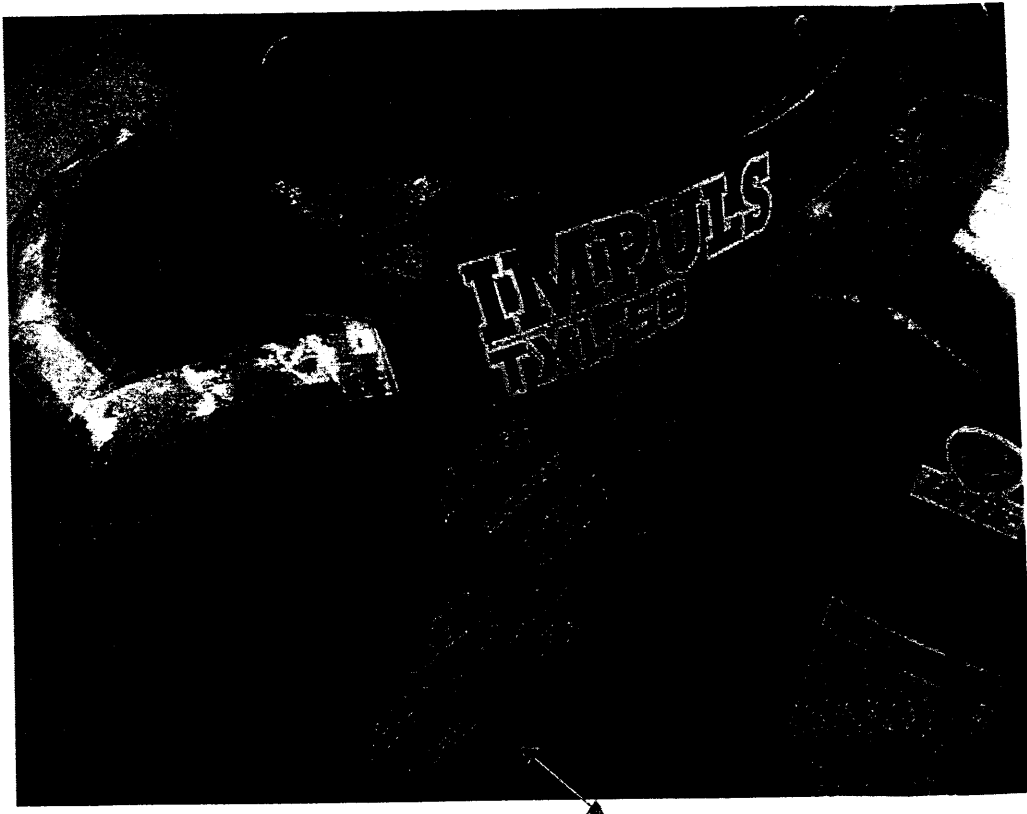
**NOTE: ATTACHMENT 3 OF IDI 010705ccn0725** is an engineer's report that compares the two different sizes of ATV. This report, which the engineers desire to be treated as confidential information, is not copied per for this IDI, per request of the

engineering firm. However, on page 28 of that attachment, under the caption "Age and Size of Riders", the statements "The wheels and body from the Model 50 bolt on to the Model 90 without modification. The external dimensions of the Model 90 and Model 50 are approximately the same. The two Model 50 machines each have a displacement of 49cc, and do not have any warning stickers pertaining to age or size of riders. There is evidence that six year olds are expected to drive the Model 50 ATV. As far as warning labels are concerned, the ATV manufacturers have not restricted the rider's age on two of the three ATV's. These ATV's are approximately the same dimension externally".

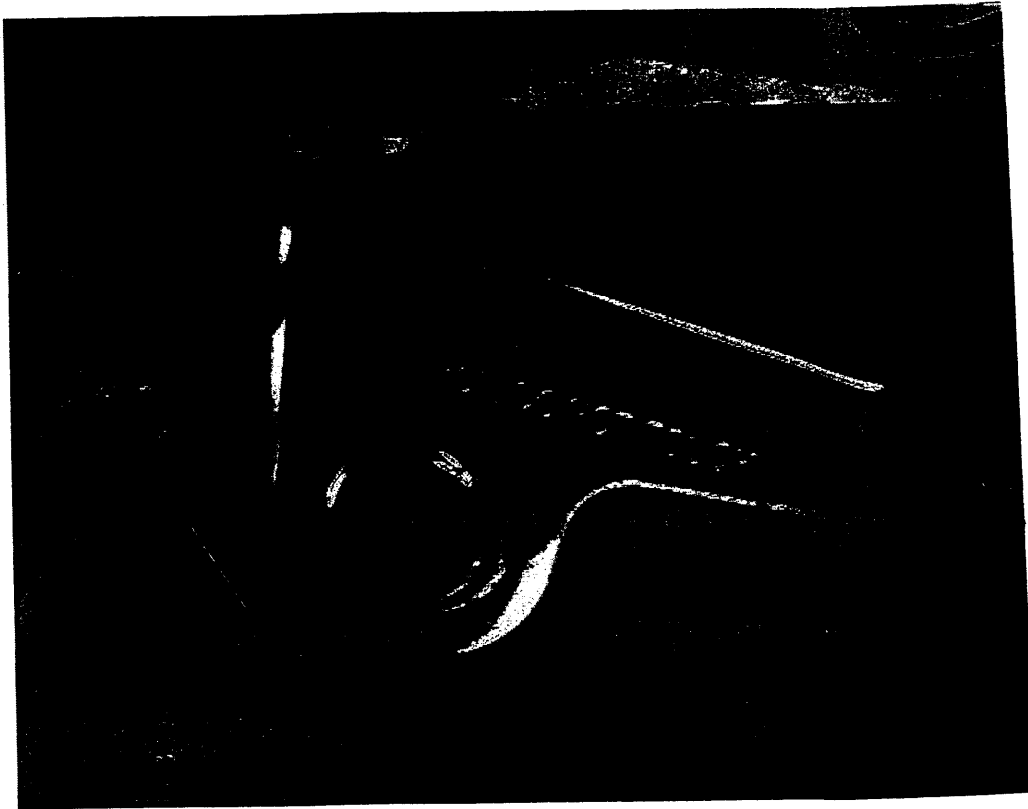
The following photographs were taken at the engineering firm:



The child was sitting between her father and her six- year old sister. Her right foot was able to contact the drive chain that rotates on the sprocket. The yellow line represents an approximate alignment of the victim's leg/foot while riding.



This is the open area where the child's foot was able to engage the drive chain of the ATV.

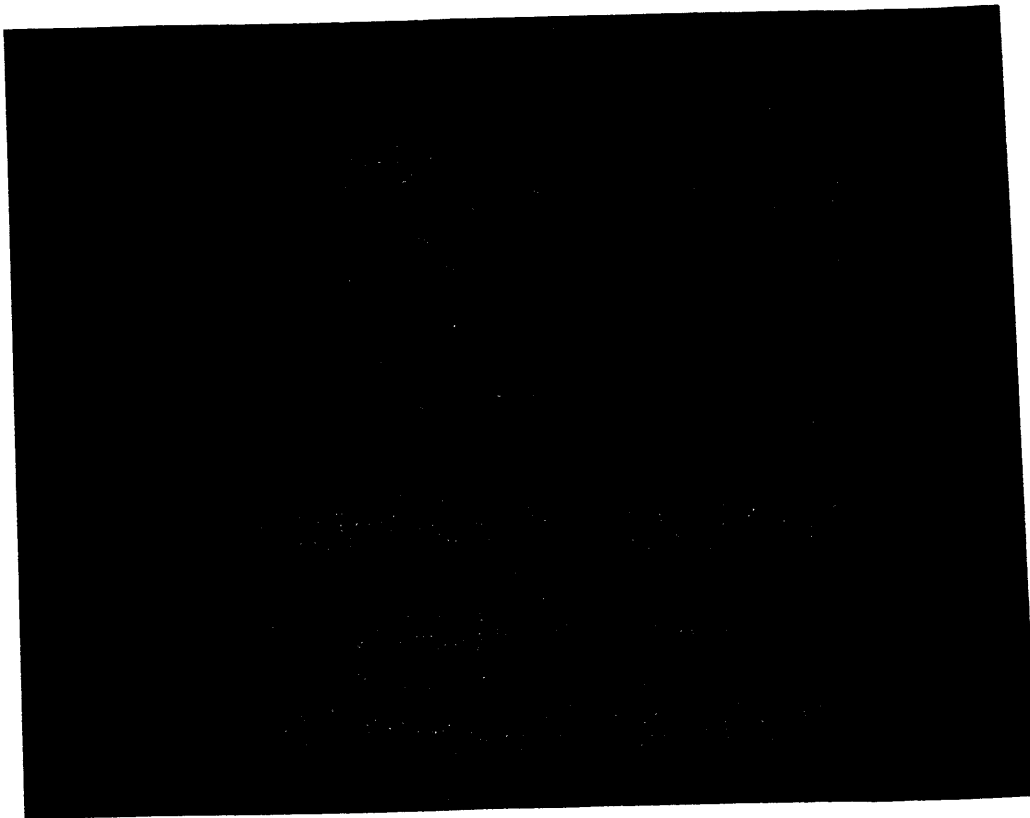


This photo is the stainless steel shield that covers the exhaust pipe. This shield is believed to be installed to protect from thermal burns from the exhaust pipe. Arrows above point to the drive chain that rotates around the anterior sprocket located under the right side of the shield. It is this drive chain that caught the victim's foot and pulled it against the metal shield slicing off all five toes.



This photo shows the label addressing the Age specification for the vehicle.





The labeling found on the right fender of the ATV.

**ATTACHMENTS:**

Attached to this narrative report are the following attachments:

1. Section of the Oral deposition of the victim's father;
2. Owner' manual (entire copy sent to Clearinghouse for storage);
3. Additional information regarding the product and assembler.

**NOTE: ATTACHMENTS 1,3, AND 4 OF IDI 010705CCN0725 ARE ALSO RELEVANT TO THIS INVESTIGATION .**

**ATTACHMENT 1 (idi 010705CCN0725) IS THE ANSI/SVIA 1-1990 STANDARD**  
**ATTACHMENT 3 IS THE ENGINEER'S EVALUATION OF OTHER ATVS**  
**ASSEMBLED BY THIS FIRM**  
**ATTACHMENT 4 IS A COPY OF THE ORAL DEPOSITION FROM A**  
**MANAGER OF THE FIRM.**

My Copy

1

IN THE CIRCUIT COURT OF GREYBERRY COUNTY, ARKANSAS

MICHAEL [REDACTED] INDIVIDUALLY, AND  
AS PLAINTIFF AND NEXT FRIEND OF  
[REDACTED]

PLAINTIFF

NO. CIV-99-176(B)

E-TON DYNAMICS INDUSTRIAL  
CORPORATION, AMERICAN SONOTRO, INC.,  
IMPULS INTERNATIONAL, INC., AND  
SCOTTSTOWN, INC.

DEFENDANTS

DEPOSITION OF [REDACTED] JR.

August 11, 2000  
10:00 o'clock A.M.

APPEARANCES:

ON BEHALF OF PLAINTIFF:

Mr. Troy L. Henry  
Attorney at Law  
530 South Main  
Jonesboro, AR 72401

ON BEHALF OF DEFENDANT,  
E-TON DYNAMICS:

Mr. Jay Moody  
Attorney at Law  
200 West Capitol Avenue  
Suite 2200  
Little Rock, AR 72201-3699

ON BEHALF OF REMAINING  
DEFENDANTS:

Mr. Harry S. Hurst, Jr.  
Attorney at Law  
P. O. Box 1442  
Jonesboro, AR 72403

JOYCE A. KING  
CERTIFIED COURT REPORTER  
1523 Holden Avenue  
Newport, AR 72112  
Telephone - (870) 523-2268

- 1 Q. Was she wearing any type of footwear at all?
- 2 A. No.
- 3 Q. No socks?
- 4 A. No.
- 5 Q. Sir?
- 6 A. No.
- 7 Q. I understand she had a helmet, but was she wearing it then?
- 8 A. No.
- 9 Q. What about you?
- 10 A. No.
- 11 Q. Did you have on any shoes or socks?
- 12 A. Yeah.
- 13 Q. Did you have on boots?
- 14 A. Probably so.
- 15 Q. What about Hailey -- I know you said she didn't have on boots -- but did she have any type of shoes on?
- 17 A. If she did, it was probably like some little Nike sandals or something like that.
- 19 Q. Do you remember one way or another?
- 20 A. No. I don't think she had on any shoes.
- 21 Q. So both girls would be barefoot?
- 22 A. I think so.
- 23 Q. Was anyone else out there with you at the time?
- 24 A. Out in the yard?
- 25 Q. Yes, sir.

- 1 Q. By the way, were you employed at that time?
- 2 A. No.
- 3 Q. And who all was there when she dropped off the girls?
- 4 A. I believe just me and -- me and Bonnie.
- 5 Q. Bonnie was your girlfriend at the time?
- 6 A. Yes.
- 7 Q. What about now? Do you still have any contact with her?
- 8 A. I haven't talked to her in about two months I guess.
- 9 Q. Do you still consider her your girlfriend?
- 10 A. No.
- 11 Q. How long were you all together?
- 12 A. My memory isn't real good, I mean as far as -- I think about four years.
- 14 Q. Now did she cohabitate with you or did she have her own place? Did she live with you?
- 16 A. Yeah.
- 17 Q. How long did she live with you?
- 18 A. Off and on for four years I guess.
- 19 Q. Your ex-wife has custody of the girls and you have visitation. Right?
- 21 A. Right.
- 22 Q. Was Bonnie there when your ex-wife dropped off the girls that day?
- 24 A. Yes.
- 25 Q. I'm sorry. I think I asked you that already. Now did you

- 1 A. No.
- 2 Q. Anyone present when this happened besides the three of you?
- 3 all?
- 4 A. In the trailer.
- 5 Q. I know Bonnie Mahis -- is that her name?
- 6 A. Yeah.
- 7 Q. She was in the trailer cooking dinner. Is that right?
- 8 A. Right.
- 9 Q. She was inside. Did she see what happened?
- 10 A. She didn't see it. She seen what happened afterwards. She didn't see it happen. no.
- 12 Q. Right. I'm talking about the actual incident. Was there anyone else around to witness it?
- 14 A. No.
- 15 Q. Well, let's talk about what happened there. I know I'm skipping around, and I apologize, but as long as we're focusing on this, let's just talk about the accident itself. As I understand it, you had been gone earlier that day. Is that right?
- 20 A. Yeah.
- 21 Q. Now your ex-wife testified that she dropped off the girls at maybe 2:00 or 2:30 that afternoon. Does that sound right?
- 23 A. Probably.
- 24 Q. Okay. Now were you there when she dropped them off?
- 25 A. Yes.

- 1 stay there from 2:30 until the time of the accident or did you go somewhere in between?
- 3 A. I think I went somewhere. I don't really remember for sure where I went. I think my mom -- I was doing something for my mom. I don't know.
- 6 Q. All right. Did you consume any alcohol that day?
- 7 A. No.
- 8 Q. Any type of narcotic?
- 9 A. No.
- 10 Q. Any drug that might impair your ability?
- 11 A. No.
- 12 Q. Were you on any type of medication that would restrict your use of an ATV?
- 14 A. No. I wasn't on any type of medication.
- 15 Q. So when you got home that night from wherever it is you had been, what happens next?
- 17 A. I don't know if I made it all the way in the house or not, but the girls was hollering. Ride me. Ride me. They wanted me to ride them on the four-wheeler. And I told them, you know, No, we're fixing to eat. And Bonnie said, Well, it still likes a few minutes. You know, you've got time to ride them for a few minutes. And we was going to go up the road. You can go back to a gravel pit, you know, and there's trails all back there. We was going to go up there. But we didn't make it even up the driveway when it happened.

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- 1 Q. Did the girls pick out which unit they wanted to ride or
- 2 did you?
- 3 A. With me?
- 4 Q. Well, they said they wanted to ride. Did they have a
- 5 preference about the 50 or the...
- 6 A. Well, the 50 wouldn't pull all three of us.
- 7 Q. You needed to get on the 30?
- 8 A. Yeah.
- 9 Q. All right. So tell me what happens. You're riding the
- 10 ATV.
- 11 A. Riding up the driveway and I feel something wet on my face
- 12 and when I looked down, I saw blood on the back of Hailey's
- 13 leg. You know, it wasn't bright red, it was more like a pink
- 14 color. It was on the back of Hailey's leg. And I looked down
- 15 and Shay was -- I could see her foot and her toes was gone. At
- 16 first I thought they was, you know, burnt off. It looked like
- 17 they was -- I thought they was burnt. But I covered it up and
- 18 carried her down to the house.
- 19 Q. Well, did you hear her scream or did you...
- 20 A. No, she didn't scream.
- 21 Q. So the wetness on your face was the first thing you felt?
- 22 A. Yeah.
- 23 Q. I take it Hailey was wearing shorts?
- 24 A. Yeah.
- 25 Q. What about Shay?

- 1 Q. Right.
- 2 A. I'm saying that she -- like you tend to wrap your legs
- 3 around a horse, you know, to hold onto it.
- 4 Q. Are you talking about with your feet turned in? Is that
- 5 what you mean?
- 6 A. I'm pretty sure you know what I mean. I don't know how I'm
- 7 going to explain it to you.
- 8 Q. No, actually I don't know what you mean. I guess I'm not
- 9 that smart. I'm just trying to follow you.
- 10 BY MR. HENRY:
- 11 Bowlegged.
- 12 A. Yeah, bowlegged. There you go.
- 13 Q. Thank you. See, I had it opposite. I had the feet going
- 14 in, but actually the feet would go out.
- 15 A. Yeah.
- 16 Q. All right. Now do you have any memory of seeing her legs
- 17 in the bowlegged position or is that just your assumption?
- 18 A. That's just my assumption.
- 19 Q. As we sit here, do you have any recall one way or another
- 20 of how she was seated on the ATV?
- 21 A. Between me and Hailey. I mean I didn't feel her go to one
- 22 side or the other, you know.
- 23 Q. How tall was Shay at the time, do you know?
- 24 A. About that tall.
- 25 Q. Well, for the record, let's see if we can put that in some

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- 1 A. Yeah, she was wearing shorts too.
- 2 Q. What did you cover her foot with?
- 3 A. A towel. At the time? Right then?
- 4 Q. Yes, sir.
- 5 A. My hand.
- 6 Q. Do you have any sense of whether her toes were cut off
- 7 where the chain starts the sprocket or whether they were cut off
- 8 with this chain guard that you have been shown in this picture?
- 9 A. I don't really -- I still -- I mean looking back and
- 10 looking at it now, I still don't -- I can't see in my mind how
- 11 it done -- how it done it. I just know it done it, you know.
- 12 Q. Were you all turning at the time?
- 13 A. No.
- 14 Q. Were you on an incline?
- 15 A. No.
- 16 Q. What?
- 17 A. No. The only way I figure her feet got into it is the same
- 18 way you hold onto a horse, you know. She was holding onto the
- 19 four-wheeler, and she got her foot on the chain and her foot
- 20 followed the chain.
- 21 Q. I'd better get you to describe that to me. Are you talking
- 22 about where you're holding on and you've got feet in stirrups?
- 23 Is that what you mean?
- 24 A. Well, I'm not saying that the four-wheeler has got any
- 25 stirrups.

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- 1 type stirrups, because that's not going to show up on the tape.
- 2 A. Well, I don't know. No, I don't know how tall she was.
- 3 Q. Okay. Well, I looked on her medical records and it didn't
- 4 say. I thought you might have known.
- 5 A. You could go back to the trailer and it will be marked on
- 6 the wall. You can see how tall she was.
- 7 Q. Anybody still live in that trailer?
- 8 A. From what I understand, it burnt.
- 9 Q. It burnt?
- 10 A. Yeah.
- 11 Q. Did Shay have ahold of Hailey or did she have ahold of the
- 12 sides or ahold of you?
- 13 A. She had her hands around Hailey.
- 14 Q. Her big sister?
- 15 A. Yeah.
- 16 Q. Where were Hailey's hands?
- 17 A. They was usually -- I can't say where they was, you know,
- 18 for sure. Usually they was like sitting like around the gas cap
- 19 or holding onto the handlebars.
- 20 Q. Do you know what gear you were in when this happened?
- 21 A. It's got automatic transmission.
- 22 Q. Right. But it still goes into different gears, doesn't it?
- 23 A. No, you can't distinguish between the gears. It's just
- 24 smooth. Have you ever rode a Polaris? Okay.
- 25 Q. It's like that?

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- 1 A. Yeah.  
 2 Q. Is there a mile per hour gauge on this thing?  
 3 A. No, sir.  
 4 Q. Any way you can tell how fast you're going?  
 5 A. No, sir.  
 6 Q. Do you have any feel for how fast you were going?  
 7 A. Yeah.  
 8 Q. And what was that?  
 9 A. I'd say probably seven or eight mile an hour.  
 10 Q. At the time that the accident happened, was this chair  
 11 guard shown in the picture attached to the ATV?  
 12 A. Yes, the same way it is now. Or same way it was the last  
 13 time I seen it.  
 14 Q. Had it recently been detached?  
 15 A. No.  
 16 Q. Now I understand from your earlier testimony that there  
 17 were times when it would come off because *meanwhile*  
 18 A. It would get a -- a screw would come out of it, and I'd  
 19 have to go get a screw for it.  
 20 Q. Do you recall the most recent incident when it fell off in  
 21 relation to the day of the accident?  
 22 BY MR. HENRY:  
 23 We're going to object to that. He's never said  
 24 it fell off.  
 25 A. It has never fell off.

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- 1 Q. I apologize. Let me rephrase the question. As I  
 2 understood it, the screws came loose and you had to get new  
 3 screws. Okay? I'm not going to put words in your mouth, Mr.  
 4 Hall.  
 5 A. Okay.  
 6 Q. Let me rephrase it. Do you recall the most recent time in  
 7 relation to the accident when you had to get new screws?  
 8 A. No, sir.  
 9 Q. Do you have any recall whether it was months, weeks or  
 10 days?  
 11 A. I don't. -- I'm not real sure. I don't believe I ever had  
 12 to get screws for the 90. I think I'd already replaced them.  
 13 Q. The 90 was fairly new at the time, wasn't it?  
 14 A. Right. The 50 I had to replace them several times.  
 15 Q. Do you recall ever having to replace the 90 screws at any  
 16 time?  
 17 A. I replaced them, yes.  
 18 Q. I'm sorry. Having to?  
 19 A. I didn't have to.  
 20 Q. You didn't have to. Right?  
 21 A. No.  
 22 Q. You did that as a precaution?  
 23 A. Yes. I done it because I couldn't keep them in the other  
 24 one. I'd replaced them on the other one but, put box-head bolts  
 25 in the other one, in the 50.

- 1 Q. Did you have any rules about operation of the vehicle  
 2 yourself? In other words, I understand the manufacturer has  
 3 certain warnings and guidelines that they would like to see  
 4 followed, but did you impose any type of restrictions on Hailey?  
 5 In other words, she couldn't ride it unless you were around, for  
 6 instance?  
 7 A. Couldn't unless she had all of her gear on. If she was  
 8 operating it, or any kid was operating it, they had to have the  
 9 equipment on.  
 10 Q. Operating it alone?  
 11 A. Right. I mean we didn't never let them just go off and  
 12 ride by themselves, you know. If they rode the four-wheeler by  
 13 themselves, they had an adult right there.  
 14 Q. All right. So you or an adult was present every time?  
 15 A. And I was the only one every time.  
 16 Q. When she would ride alone?  
 17 A. Her mom come out there and watched her ride and stuff like  
 18 that, but nobody ever took them anywhere and let them ride it or  
 19 anything. It was just me.  
 20 Q. Any other restrictions? Tell her to stay on flat ground or  
 21 anything like that?  
 22 A. No. She could ride a four-wheeler pretty well.  
 23 Q. Let me ask you a question that's really based in your ex-  
 24 wife's deposition. She made reference to a conversation she had  
 25 with one of her doctors who said that even if Hailey had been

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- 1 wearing boots, it would have made no difference, or something to  
 2 that effect. Do you agree with that statement? I said Hailey,  
 3 I mean Shay.  
 4 A. If the doctor -- if the doctor said it, you know, I'd have  
 5 to go along with it I guess. But, you know, I don't know.  
 6 Q. You don't know whether it would have made any difference?  
 7 A. I mean I tell myself all the time there's a lot of things I  
 8 could have done, you know, or whatever, but I don't know.  
 9 Q. When you say there were a lot of things you could have  
 10 done, give me an example.  
 11 A. Not put her on the four-wheeler.  
 12 Q. At all? Is that right? I need you to answer out loud,  
 13 please.  
 14 A. Yeah. Yeah.  
 15 Q. By the way, was this the only time when all three of you  
 16 have been on at once?  
 17 A. No.  
 18 Q. There had been -- do you need a moment, Mr. Hall?  
 19 A. Yeah.  
 20 Q. Okay.  
 21 (REPORTER'S NOTE: At this point a brief recess was had.)  
 22 DIRECT EXAMINATION CONTINUED  
 23 BY MR. HENRY:  
 24 Q. Mr. Hall, are you ready?  
 25 A. Yeah.

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